

COUNTY NOTICES PURSUANT TO A.R.S. § 49-112

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NOTICE OF FINAL RULEMAKING

MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS

REGULATION III – CONTROL OF AIR CONTAMINANTS

RULE 314 – OPEN OUTDOOR FIRES AND INDOOR FIREPLACES AT COMMERCIAL AND INSTITUTIONAL ESTABLISHMENTS

[M12-253]

PREAMBLE

- | <u>1. Rule affected</u> | <u>Rulemaking action</u> |
|--|--------------------------|
| Rule 314 (Open Outdoor Fires and Indoor Fireplaces at Commercial and Institutional Establishments) | Amend |
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| <u>2. Statutory authority for the rulemaking:</u> | |
| Authorizing statutes: A.R.S. §§ 49-112, 49-479, 49-501, 11-251(63), and 11-871 | |
| Implementing statutes: A.R.S. §§ 49-112, 49-479, 49-501 and 11-871 | |
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| <u>3. Effective date of the rule:</u> | |
| Date of adoption: July 25, 2012 | |
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| <u>4. List of all previous notices appearing in the Register addressing the rulemaking:</u> | |
| Notice of Rulemaking Docket Opening: 18 A.A.R. 511, February 10, 2012 | |
| Notice of Proposed Rulemaking: 18 A.A.R. 660, March 16, 2012 | |
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| <u>5. Name and address of department personnel with whom persons may communicate regarding the rulemaking:</u> | |
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| <u>6. Explanation of the rule, including the department's reasons for initiating the rulemaking:</u> | |
| The Maricopa County Air Quality Department (department) revised Rule 314 (Open Outdoor Fires and Indoor Fireplaces at Commercial and Institutional Establishments) in order to clarify circumstances under which limited testing of potentially explosive-containing products during restricted-burn periods would be allowed. Rule 314 prohibits open outdoor burning in Maricopa County except the types of open outdoor burning that are listed in Sections 302, 303, 304, 305 and the Appendix to Rule 314. The rule limits certain types of open burning during restricted-burn periods in Maricopa County and the ozone season (the period from May 1 to September 30 of each year). Rule 314 also prohibits all indoor burning using fireplaces in commercial and institutional establishments, such as hotels, restaurants, and care facilities, during restricted-burn periods with the exception of those that use gaseous fuels. These restrictions were designed to reduce the emission of air contaminants such as particulate matter, nitrogen oxides (NO _x), carbon | |

monoxide (CO), and volatile organic compounds (VOCs) by limiting certain types of open burning by non-residential sources, with an emphasis on particularly troublesome situations such as high-pollution days and during those times of the year when pollution levels are more likely to exceed standards.

In June, 2007, the U.S. Environmental Protection Agency (EPA) found that the Phoenix nonattainment area failed to attain the 24-hour PM₁₀ national ambient air quality standard by the required attainment date of December 31, 2006. A State Implementation Plan (SIP) revision, referred to as the Five Percent Plan because it demonstrates 5% reductions per year in emissions from the date of submission to the EPA, was prepared by the Maricopa Association of Governments (MAG) and submitted to the EPA in December, 2007. In March, 2008 a significantly revised Rule 314 was adopted in response to the passage of Senate Bill 1552 by the Arizona Legislature in June 2007 as well as to reflect commitments made in the Five Percent Plan for PM₁₀.

An issue raised after implementation of the revised Rule 314 revealed that a small group of stakeholders were prohibited from conducting necessary testing activities by the restricted-burn declaration. The testing in question was found to emit a trivial amount of particulate matter, however, failure to conduct the testing as scheduled would result in potentially significant negative impacts on the operations and finances of those companies. The tests consist of a limited number of discrete events usually lasting mere seconds and releasing minimal particulates. If all five sources that have been identified as possibly being affected by this revision were to have conducted testing activities on every burn-restricted day in 2011 (a total of 25), with a maximum emissions amount of two pounds, then the total particulate emissions for the entire year would only have been 250 pounds. The more realistic expectation is that one or two sources will need to conduct testing activities five or six times, for less than the maximum of two pounds, so the total particulate emissions for an entire year would be less than 24 pounds.

The activities in question are product tests, often required to be scheduled weeks or months in advance, to mark critical contractually mandated delivery dates. The parties present at the tests are typically high ranking members of the military or from large commercial concerns and must schedule travel to observe the tests. This revision provides relief for this particular situation while requiring documentation of the event be provided to the department demonstrating that less than two pounds of particulate emissions were released during the restricted-burn day, ensuring the intent of Rule 314 continues to be met.

Description of Amendments:

Section 303: Open Outdoor Fires Not Required to Obtain a Burn Permit:

Added text to clarify requirements for testing potentially explosive-containing products during restricted-burn periods.

Section 501: Recordkeeping and Reporting:

Added text pertaining to information that is required to be recorded and then provided to the Control Officer after the occurrence of any event related to the provisions in Section 303.

In addition, the amendments corrected typographical or other clerical errors; made minor grammatical changes to improve readability or clarity; modified the format, numbering, order, capitalization, punctuation, or syntax of certain text to increase standardization within and among rules; or made various other minor changes of a purely editorial nature. As these changes did not alter the sense, meaning, or effect of the rule, they are not described in detail here, but can be readily discerned in the “strikeout and underline” version of the rule contained in Item #17 of this notice.

7. Demonstration of compliance with A.R.S. § 49-112:

Under A.R.S. § 49-479(C), a county may not adopt a rule or ordinance that is more stringent than the rules adopted by the Director of the Arizona Department of Environmental Quality (ADEQ) for similar sources unless it demonstrates compliance with the applicable requirements of A.R.S. §49-112.

A.R.S. § 49-112 (A)

When authorized by law, a county may adopt a rule, ordinance, or other regulation that is more stringent than or in addition to a provision of this title or rule adopted by the director or any board or commission authorized to adopt rules pursuant to this title if all the following conditions are met:

1. The rule, ordinance or other regulation is necessary to address a peculiar local condition.
2. There is credible evidence that the rule, ordinance or other regulation is either:

- (a) Necessary to prevent a significant threat to public health or the environment that results from a peculiar local condition and is technically and economically feasible
 - (b) Required under a federal statute or regulation, or authorized pursuant to an intergovernmental agreement with the federal government to enforce federal statutes or regulations if the county rule, ordinance or other regulation is equivalent to federal statutes or regulations.
3. Any fee or tax adopted under the rule, ordinance or other regulation will not exceed the reasonable costs of the county to issue and administer that permit or plan approval program.

The department affirms that Rule 314 meets the requirements of A.R.S. §§ 49-112(A)(1), (A)(2)(b), and (A)(3). Rule 314 meets A.R.S. § 49-112(A)(1), necessary to address a peculiar local condition, in that Maricopa County fails to meet the National Ambient Air Quality Standards for particulates. A portion of Maricopa County and Apache Junction in Pinal County is designated serious nonattainment for the PM₁₀ 24-hour standard. This is the only serious PM₁₀ nonattainment area in Arizona.

In June, 2007, the EPA found that the Phoenix nonattainment area did not attain the 24-hour PM₁₀ standard by the deadline mandated in the Clean Air Act (CAA), December 31, 2006 (72 FR 31183, June 6, 2007). Consequently, stronger regulations were required to be adopted in this area to address a serious health threat. Under Section 189(d) of the CAA, serious PM₁₀ nonattainment areas that fail to attain are required to submit within 12 months of the applicable attainment date, "plan revisions which provide for attainment of the PM₁₀ air quality standard and, from the date of such submission until attainment, for an annual reduction in PM₁₀ or PM₁₀ precursor emissions within the area of not less than five percent of the amount of such emissions as reported in the most recent inventory prepared for such area." The nonattainment status represents a "peculiar local condition" and requires more stringent controls under the CAA.

Rule 314 also meets the requirements of A.R.S. § 49-112 (A)(2)(b), required under a federal statute or regulation, or authorized pursuant to an intergovernmental agreement, in that Rule 314 implements control measures included in the SIP for the Maricopa County PM₁₀ Nonattainment Area.

Rule 314 does not adopt any fees or taxes and therefore A.R.S. § 49-112 (A)(3) does not apply.

8. Reference to any study relevant to the rule that the department reviewed and either proposes to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data under lying each study, and any analysis of each study and other supporting material:

No studies were used

9. Showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision:

Not applicable

10. Summary of the economic, small business, and consumer impact:

This rulemaking is a limited revision to Rule 314 (Open Outdoor Fires and Indoor Fireplaces at Commercial and Institutional Establishments) to address testing of potentially explosive-containing products during restricted-burn periods. This rulemaking addressed the concern of a few stakeholders that are potentially significantly impacted by this rule for trivial type activities, a fact that became evident after implementation of the March, 2008 Rule 314 revision. The department identified five companies that are potentially negatively affected by the rule and would gain relief from undue financial and operational costs as a result of the revision. The health impact of the revision is negligible as the emissions that may result are minimal. If all five sources that have been identified as possibly being affected by this revision were to have conducted testing activities on every burn-restricted day in 2011 (a total of 25), with a maximum emissions amount of two pounds, then the total particulate emissions for the entire year would only have been 250 pounds. The more realistic expectation is that one or two sources will need to conduct testing activities five or six times, for less than the maximum of two pounds, so the total particulate emissions for an entire year would be less than 24 pounds. The department will not incur any additional costs as the record keeping and reporting requirements are already in place and operational.

11. Name and address of department personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact:

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12. Description of the changes between the proposed rule, including supplemental notices and final rule:

The EPA expressed concern that in the Notice of Proposed Rulemaking that was published on March 16, 2012 for the draft of Rule 314, the opening paragraph of Section 303.4 was too vague and needed parameters as to how the amount of emissions are to be calculated. In order to make the statement more robust the closing sentence now reads, "The amount of particulate emissions are to be calculated using emission factors referenced in AP-42 or using other means of quantification that have been approved by the Control Officer and the Administrator."

13. Summary of the comments made regarding the rule and the department response to them:

The department did not receive official written or oral comments during the 30-day public comment period.

14. Any other matters prescribed by the statute that are applicable to the specific department or to any specific rule or class of rules:

Not applicable

15. Incorporations by reference and their location in the rule:

Not applicable

16. Was this rule previously an emergency rule?

No

17. Full text of the rule follows:

REGULATION III - CONTROL OF AIR CONTAMINANTS

RULE 314

OPEN OUTDOOR FIRES AND INDOOR FIREPLACES AT COMMERCIAL AND INSTITUTIONAL ESTABLISHMENTS

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Revised 07/13/88
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MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS
REGULATION III - CONTROL OF AIR CONTAMINANTS

RULE 314
OPEN OUTDOOR FIRES AND INDOOR FIREPLACES AT COMMERCIAL AND INSTITUTIONAL ESTABLISHMENTS

SECTION 100 - GENERAL

- 101 PURPOSE:** To limit the emissions of air contaminants produced from open burning and from indoor fireplaces at commercial and institutional establishments.
- 102 APPLICABILITY:** Rule 314 is applicable to any open outdoor fire and burning in indoor fireplaces at commercial and institutional establishments that is conducted within Maricopa County.

SECTION 200 - DEFINITIONS: ~~See Rule 100 (General Provisions and Definitions) of these rules for definitions of terms that are used but not specifically defined in this rule.~~ For the purpose of this rule, the following definitions shall apply, in addition to those definitions found in Rule 100 (General Provisions and Definitions) of these rules. In the event of any inconsistency between any of the Maricopa County air pollution control rules, the definitions in this rule take precedence.

- 201 AIR CURTAIN DESTRUCTOR-**A device designed to form a curtain of air over a firebox in which burning occurs that aids in more complete combustion through increases in turbulence and combustion time. Above ground air curtain destructors are the only type of air curtain destructor ~~that are~~ allowed in Maricopa County.
- 202 AREA A -** As defined in Arizona Revised Statutes (A.R.S.) § 49-541(1), the area in Maricopa County delineated as follows:
 - Township 8 North, Range 2 East and Range 3 East
 - Township 7 North, Range 2 West through Range 5 East
 - Township 6 North, Range 5 West through Range 6 East
 - Township 5 North, Range 5 West through Range 7 East
 - Township 4 North, Range 5 West through Range 8 East
 - Township 3 North, Range 5 West through Range 8 East
 - Township 2 North, Range 5 West through Range 8 East
 - Township 1 North, Range 5 West through Range 7 East

- Township 1 South, Range 5 West through Range 7 East
Township 2 South, Range 5 West through Range 7 East
Township 3 South, Range 5 West through Range 1 East
Township 4 South, Range 5 West through Range 1 East
- 203 DANGEROUS MATERIAL**-Any substance or combination of substances that is capable of causing bodily harm or property loss unless neutralized, consumed, or otherwise disposed of in a controlled and safe manner.
- 204 DITCHBANK**-A lateral area not to exceed two and one half feet on either side of a ditch.
- 205 EMISSION REDUCTION TECHNIQUES (ERTs)**-_Methods for controlling emissions from outdoor fires to minimize the amount of emissions output per unit of area burned. Types of ERTs include minimizing the material to be burned, preventing fire from spreading by lining the area and applying fire retardant foam or water, allowing the material to dry before burning, extinguishing the smoldering burns, burning in piles, and burning in the opposite direction of the wind.
- 206 FENCE ROW** - A lateral area not to exceed two and one half feet on either side of the centerline of a fence.
- 207 FIREBOX** - The chamber or compartment inside of an air curtain destructor wherein materials are burned.
- 208 FLUE** - Any duct or passage for air or combustion gases, such as a stack or chimney.
- 209 OPEN OUTDOOR FIRE OR OPEN BURNING** - Any combustion of any type of material outdoors, where the products of combustion are not directed through a flue. Open outdoor fires include agricultural, residential and prescribed burning. Purposes for fires can include prevention of a fire hazard, instruction in the methods of fighting fires, watershed rehabilitation, disease and pest prevention.
- 210 ORCHARD HEATERS** - A device which helps prevent frost damage to fruit trees by heating. An orchard heater consists of a pipeline heater system operated from a central control from which fuel is distributed by a piping system from a centrally located tank.
- 211 PROHIBITED MATERIALS** - Non-paper garbage from the processing, storage, service or consumption of food; books, magazines, fiberboard, packaging, rags, fabrics, office records, chemically treated or soaked wood; lead-painted wood; linoleum flooring, and composite counter tops; tires; animal wastes and carcasses, coal, liquid or gelatinous hydrocarbons tar, explosives or ammunition; oleanders, leaves, grass clippings, refuse; asphalt shingles or asphalt; tar paper; plastic and rubber products, including bottles for household chemicals; plastic grocery and retail bags; waste petroleum products, such as waste crankcase oil, transmission oil, and oil filters; transformer oils; asbestos; batteries; anti-freeze; aerosol spray cans; electrical wire insulation; thermal insulation; polyester products; hazardous waste products such as paints, pesticides, cleaners and solvents, stains and varnishes, and other flammable liquids; plastic pesticide bags and containers; and hazardous material containers including those that contained lead, cadmium, mercury and arsenic compounds.
- 212 PUBLIC OFFICER** - Any elected or appointed officer of a public agency established by charter, ordinance, resolution, state constitution or statute, but excluding members of the legislature.
- 213 RESTRICTED-BURN PERIOD** - A condition declared by the Control Officer whenever meteorological conditions are conducive to an accumulation of carbon monoxide (CO), ozone, and/or particulate matter in exceedance of the standards or when air quality reaches other limits established by the Control Officer or when there is increased fire danger.
- 214 WOOD-BURNING CHIMINEAS** - Chimineas are burning devices made from clay, aluminum, and steel and are used for warmth and aesthetics outside in yards and patios. Chimineas are designed to burn solid fuels.

SECTION 300 - STANDARDS

- 301 PROHIBITION - OPEN OUTDOOR FIRES:** It shall be unlawful for any person to ignite, cause or permit to be ignited, allow, maintain any open outdoor fire within the limits of Maricopa County, except as provided in Sections 302, 303, 304, 305 and in the Appendix of this rule.
- 302 OPEN OUTDOOR FIRES REQUIRED TO OBTAIN A BURN PERMIT:** The types of fires described in Sections 302.1 and 302.2 of this rule require a burn permit that is obtained from the Control Officer prior to initiating the burn. Even after the Control Officer issues the burn permit, the person conducting the fire shall call both the fire department and the Control Officer to obtain

permission to burn for each day. The Control Officer shall base his decision to approve or deny permission to burn on National Weather Service forecasts or other meteorological analyses that are indicative of a Restricted-Burn Period. See Section 402 of this rule for additional requirements regarding burn permits.

302.1 Fires Prohibited During Restricted-Burn Periods in Maricopa County, but Allowed From May 1 through September 30 Each Year in Area A:

- a. Open outdoor fires that are declared necessary by the County Agricultural Agent, when such fires have been determined as essential for the purposes of disease and/or pest prevention and certified by actual investigations by the County Agricultural Agent.
- b. Open outdoor fires for the control of weeds for the prevention of fire hazards, when such fires are declared necessary by a public officer in the performance of his official duties.
- c. Open outdoor fires for fire fighting training and fire fighting training areas and structures. See Section 303.2 (b) of this rule for an exemption to this requirement.
- d. Open outdoor fires for the burning of agricultural ditchbanks and fence rows where other reasonable mechanical, chemical, or other methods of removal are not available. In addition:
 - (1) A high-temperature mechanical burner must be used to burn ditchbanks, canal laterals, and/or fence rows.
 - (2) Burning ditchbanks and/or fence rows is not allowed during a restricted-burn period from October 1 through February 29, unless such fires are required in the performance of an official duty of any public office, or such fires are necessary to thwart or prevent a hazard that cannot be properly managed by any other means, or are necessary for the protection of public health.
 - (3) An on-site inspection by the Control Officer must be conducted to verify that only vegetative materials will be burned.
 - (4) After an initial on-site inspection by the Control Officer has been completed, a Burn Permit may be issued for the same location(s) without having to conduct additional initial on-site inspections. However, periodic unscheduled, on-site inspections may be conducted by the Control Officer on days when such burning has been authorized by the Burn Permit.
- e. Open outdoor fires declared necessary by the federal government or any of its departments, agencies, or agents, or the state or any of its agencies, departments, or subdivisions for the purpose of watershed rehabilitation or control through vegetative manipulation.

302.2 Fires Prohibited During Restricted-Burn Periods in Maricopa County and Also Prohibited from May 1 to September 30 Each Year in Area A:

- a. Open outdoor fires for the destruction of tumbleweeds for the prevention of fire hazards in cases where other reasonable methods are not available.
 - (1) Tumbleweeds must be cut, piled, and dried before burning.
 - (2) A high temperature mechanical burner may be used to burn undried tumbleweeds in situations where it is not feasible to allow natural drying.
 - (3) A high temperature mechanical burner must be used to burn tumbleweeds growing along canal laterals and fence rows.
- b. Open outdoor fires for the burning of indigenous scrub vegetation cleared for the purpose of agricultural operations in non-urban areas of low population where other reasonable methods are not available.
 - (1) The Control Officer shall issue such Burn Permit only once per geographical location.
 - (2) An on-site inspection must be conducted to determine removal of all other materials (e.g. wood, rubber, tires, dirt and metal) before the issuance of the Burn Permit.

303 **OPEN OUTDOOR FIRES NOT REQUIRED TO OBTAIN A BURN PERMIT:** The person conducting any type of fire listed in Section 303 of this rule does not need to obtain a burn permit. However, the person conducting the fire may be required to contact the Control Officer for

permission to burn prior to igniting the fire when specified below in Subsections 303.1 through ~~303.3~~ 303.4.

303.1 Fires Allowed at Any Time of the Year in Maricopa County or Area A:

- a. Cooking for immediate human consumption.
- b. Orchard heaters for frost protection in farming or nursery operations.
- c. Proper disposal of flags under 4 U.S.C. § 8.
- d. The display of fireworks for recreational purposes or pyrotechnics for musical or cinematic/theatrical functions.

303.2 Fires Prohibited During Restricted-Burn Periods in Maricopa County: The person conducting any type of fire listed in Section 303.2 of this rule shall first call the County Air Quality Updates Hotline to hear the recorded message or check local government web sites to determine whether a Restricted-Burn Period has been declared each day. If that is the case, then open outdoor burning is prohibited.

- a. Fire extinguisher training. This exemption from needing a burn permit applies only when the training is limited to using a small amount of flammable liquid and a small container (i.e. a wastepaper basket or a flat pan).
- b. Fire fighting training, training areas and training structures are exempt from needing a permit if the sole source of flame is a burner fueled by either liquefied petroleum gas or natural gas, with a British Thermal Unit (BTU) input per hour rating of less than 2,000,000 BTUs.
- ~~c. Testing potentially explosive containing, flammable, or combustible products (e.g., automotive airbags, rocket motors, gas generators, and vehicular assemblies) in accordance with Department of Transportation (DOT) or Department of Defense guidelines. This exemption from needing a burn permit refers to testing of hazard classification, packaging performance, propagation, and/or mass fire, but only when testing area is controlled, is relatively small, and when testing is not considered to be nor is associated with the disposal of dangerous material.~~
- ~~d. Testing potentially explosive containing products for commercial, military, and law enforcement uses. This exemption from needing a burn permit applies only when the testing is controlled, relatively small and not considered to be nor is associated with the disposal of dangerous material.~~
- ~~e.c.~~ Disposal of dangerous material must be conducted in compliance with the Arizona Department of Environmental Quality's (ADEQ's) regulations.

303.3 Fires Prohibited During Restricted-Burn Periods in Maricopa County and Also Prohibited from May 1 Through September 30 Each Year in Area A: The person conducting any type of fire listed in Section 303.3 of this rule shall first call the County Air Quality Updates Hotline to hear the recorded message or check local government web sites to determine whether a restricted-burn period has been declared. If that is the case, then open outdoor burning is prohibited.

- a. Warmth for human beings.
- b. Recreational purposes.
- c. Wood-burning chimineas and outdoor pits.
- d. Branding of animals.

303.4 Fires for testing of potentially explosive-containing products during restricted-burn periods: The person conducting any type of fire listed in Section 303.4 of this rule shall keep and submit records as specified in Section 501 of this rule and call the County Air Quality Updates Hotline prior to burning to hear the recorded message or check local government web sites to determine whether a restricted-burn period has been declared. If a restricted-burn period has been declared, the person conducting the fire is required to contact the Control Officer for permission to burn prior to igniting the fire. Particulate emissions from the fires for testing of potentially explosive-containing products must not exceed two pounds per day for this permission to burn to be granted. The amount of particulate emissions are to be calculated using emission factors referenced in AP-42 or using other means of quantification that have been approved by the Control Officer and the Administrator.

- a. Testing of potentially explosive-containing, flammable, or combustible products (e.g., automotive airbags, rocket motors, gas generators, and vehicular assemblies) in

accordance with Department of Transportation (DOT) or Department of Defense guidelines. This exemption from needing a burn permit refers to testing of hazard classification, packaging performance, propagation, and/or mass fire, but only when the testing area is controlled, is relatively small, and when the testing is not considered to be nor is associated with the disposal of dangerous material.

b. Testing of potentially explosive-containing products for commercial, military, or law enforcement use. This exemption from the requirement to obtain a burn permit applies only when the testing area is controlled, is relatively small, and when the testing is not considered to be nor is associated with the disposal of dangerous material.

304 OPEN OUTDOOR FIRES IN AN AIR CURTAIN DESTRUCTOR: Prior to conducting an open outdoor fire in an air curtain destructor shall obtain a Title V permit from ADEQ and a site-specific Burn Plan approved by the Control Officer. See the Appendix to Rule 314 for further requirements for the use of air curtain destructors. See Section 406 of this rule for Burn Plan Applications and Conditions.

305 ADDITIONAL REQUIREMENTS FOR OPEN OUTDOOR FIRES ALLOWED PER SECTIONS 302, 303, AND 304:

305.1 Prohibited materials cannot be burned in open outdoor fires except as provided in Sections 303.2(a), 303.2(b), 303.2(c), 303.2(d) and 303.2(e)303.4.

305.2 Open outdoor fires cannot be conducted before the hour of 10 a.m. and after 5 p.m. from October 1 to March 31 and before the hour of 6 a.m. and after 6 p.m. from April 1 to September 30 except as provided in Sections 302.1(c), 303.2(b), and 303.3.

305.3 Open outdoor fires cannot be conducted during any weekends or holidays except as provided in Sections 302.1(c), 303.1, 303.2(b), and 303.3.

305.4 Fire extinguishing equipment shall be available at all times during open outdoor fires.

305.5 An attendant shall be present at all times during open outdoor fires for the duration of the burn.

305.6 Open outdoor fires shall never be initiated with items that cause the production of black smoke.

305.7 An air curtain destructor must be used for the burning of certain vegetative materials greater than 6 inches in diameter and an on-site inspection must be conducted before burning.

306 PROHIBITION - BURNING IN INDOOR FIREPLACES: Burning in indoor fireplaces that use any fuels other than gaseous fuels, including gas logs, at commercial and institutional establishments is prohibited during Restricted-Burn Periods in Maricopa County. The owner or operator of a commercial or institutional fireplace shall first call the County Air Quality Updates Hotline to hear the recorded message or check local government web sites to determine whether a Restricted-Burn Period has been declared. If that is the case, then burning is prohibited except if using gaseous fuels.

SECTION 400 - ADMINISTRATIVE REQUIREMENTS FOR BURN PERMITS AND BURN PLANS

401 FEES REQUIRED: A fee shall be charged for a Burn Permit or the approval of each site specific Air Curtain Destructor Burn Plan as set forth in Rule 280 (Fees) of these rules.

402 BURN PERMIT APPLICATION: A person shall file with the Control Officer, on a form prescribed by the Control Officer, a Burn Permit application and the complete application fee as described in Rule 280 (Fees) of these rules. The Control Officer shall act on a Burn Permit application and shall notify the applicant within 14 calendar days of the filing of the completed application.

402.1 A separate Burn Permit application is required for each burn site location not contiguous to the location on the original Burn Permit application.

402.2 The Control Officer shall conduct an on-site inspection before issuing the Burn Permit.

402.3 The issuance of a Burn Permit does not relieve the permittee from any of the requirements of a fire department having jurisdiction, including but not limited to having the Burn Permit validated by such fire department.

402.4 Permission given by a Public Officer for setting any fire given by a public officer in the performance of official duty under Sections 300 through 304 of this rule shall be given in writing and a copy of the written permission shall be transmitted immediately to the

Control Officer. The setting of any such fire shall be conducted in a manner and at such times as approved by the Control Officer, unless doing so would defeat the purpose of this exemption.

- 402.5** If a person has obtained a Title V Permit, a Non-Title V Permit, or a General Permit under Regulation II (Permits and Fees) of these rules that includes condition(s) regarding open outdoor fires, then such person shall not be required to obtain a separate Burn Permit from the Control Officer. An owner or operator of an air curtain destructor that has obtained a Title V permit from the ADEQ shall submit a burn plan for each burn site location to the Control Officer as described in the Appendix to Rule 314.
- 403 BURN PERMIT CONDITIONS:** The Control Officer may impose any permit conditions that are necessary to ensure compliance with Federal laws, State laws, or these rules. Burn Permit condition(s) may include, but are not limited to, burning hours, notification of intent to burn, and Burn Permit posting.
- 404 BURN PERMIT DENIAL:** The Control Officer shall deny a Burn Permit application if the material or operations do not meet the criteria described in this rule.
- 405 BURN PERMIT TERMS:** A Burn Permit shall be issued for the following terms:
- 405.1** Disease/Pest Prevention: 30 days from date of issuance
 - 405.2** Fire Hazard: 30 days from date of issuance
 - 405.3** Tumbleweeds: 30 days from date of issuance
 - 405.4** Ditchbank/Fence Row: 1 year from date of issuance
 - 405.5** Fire Fighting Training/Structures: 1 year from date of issuance
- 406 BURN PLAN APPLICATION AND CONDITIONS:** In order to use an air curtain destructor, a person shall file with the Control Officer, on a form prescribed by the Control Officer, a Burn Plan application and the complete application fee as described in Rule 280 (Fees) of these rules. The Control Officer shall act on a Burn Plan application and shall notify the applicant within 14 calendar days of the filing of the completed application.
- 406.1** A separate, site-specific Burn Plan application is required for each burn site location not contiguous to the location.
- 406.2** A Burn Plan Application shall be site-specific and shall list the following, at a minimum:
- a. Notification of intent to burn;
 - b. The anticipated dates and hours of the burn;
 - c. The type and quantity of fuel that will be used;
 - d. The type of material burned;
 - e. The legal location, to the nearest township, range and section or latitude and longitude, to the nearest degree minute, street address, or parcel number;
 - f. The Burn Plan posting; and
 - g. The listing of the air curtain destructor's requirements as outlined in Section A of the Appendix to this rule.
- 406.3** The Control Officer shall conduct an on-site inspection before approving the Burn Plan Application.
- 406.4** The issuance of a Burn Plan does not relieve the permittee from any of the requirements of a fire department having jurisdiction, including but not limited to having the Burn Plan validated by such fire department.
- 406.5** The Control Officer may impose any conditions that are necessary to ensure compliance with Federal laws, State laws, or these rules.
- 406.6** The Control Officer shall deny a Burn Plan application if the material or operations do not meet the criteria described in this rule.

SECTION 500 - MONITORING AND RECORDS

501 RECORDKEEPING AND REPORTING:

- 501.1** The following information shall be provided to the Control Officer for each time that open burning occurs for persons and operations subject to Sections 302, ~~304~~ and Sections 303.2(c), ~~(d) and (e)~~ or 304. This information shall be provided on a daily basis either by writing, fax, or electronically and shall include:
- a.** The date of the burn; and
 - b.** The type and quantity of fuel burned for each date open outdoor burning occurs; and

- c. The fire type such as a pile or windrow for each date that open outdoor burning occurs; and
- d. The legal location, to the nearest township, range and section, or latitude and longitude, to the nearest degree minute, street address, or parcel number.

501.2 For persons and operations subject to Sections 303.4 the following information shall be provided to the Control Officer for each day that such testing is conducted. This information shall be provided on a daily basis either by writing, fax, or electronically and shall include:

- a. The date of the testing;
- b. The time of day of testing;
- c. The legal location of such testing, to the nearest township, range and section, or latitude and longitude, to the nearest degree minute, street address, or parcel number;
- d. The unit designation (if applicable) (e.g. part number and test item description);
- e. The quantity of units tested;
- f. The type and quantity of material burned;
- g. The total charge weight per unit tested;
- h. The total weight of airborne particulate matter and gaseous pollutant effluents produced per test unit;
- i. The test procedure used;
- j. The duration of burn of each test unit;
- k. The estimated emissions resulting from the testing.

502 RECORDS RETENTION:

502.1 Maricopa County shall retain permits issued for open burning available for inspection by the ADEQ for five years.

502.2 For each permit issued, Maricopa County shall have a means of contacting the person authorized by the permit to set an open fire, if an order to extinguish open burning is issued by either the County or ADEQ. Therefore the permit application must contain the name of a contact person and shall list a means of contacting that person.

503 PROGRAM REVIEW:

503.1 Maricopa County shall hold or attend a public meeting annually for interested parties to review operations of the open outdoor fire program and discuss emission reduction techniques.

503.2 Maricopa County shall annually submit to the ADEQ a record of daily burn activity by May 15 of each calendar year.

APPENDIX TO RULE 314

AIR CURTAIN DESTRUCTOR AND FIREBOX PROCEDURES

A. Air Curtain Destructor Requirements: The following must be complied with prior to approval of an air curtain destructor by the Control Officer:

1. The length of the firebox must not exceed the length of the plenum.
2. The firebox shall be lined with refractory materials.
3. The depth of the firebox shall be of such a distance to allow all burning material to be below the curtain of air created by the air curtain destructor.
4. The width of the firebox shall not extend beyond the length of the nozzle action.
5. The firebox must have 4 stable, vertical sides.
6. When air curtain destructor locations are changed, an inspection of the newly located air curtain destructor must be made by the Control Officer prior to burning.

B. Equipment Set-Up:

1. An owner or operator of an air curtain destructor shall use a firebox and not a pit or trench to conduct open outdoor burning.
2. The equipment must be positioned so as to allow the blower's airflow to strike at a downward angle no less than 24 inches below the opposite rim of the firebox.
3. There shall be at least 1,000 feet between any two air curtain destructors.
4. An air curtain destructor shall be located at least 500 feet from any residence or building structure.
5. An air curtain destructor shall be located at least 500 feet from any pipeline or fuel storage area.
6. An air curtain destructor shall be located at least 250 feet from any power lines.

7. Material that is not being worked or is being stockpiled to be burned at a later date by using an air curtain destructor shall be kept at least 75 feet from the air curtain destructor while the burn is taking place.
- C. **Operation of Blower:**
1. The proper blower speed must be maintained according to manufacturer's specifications.
 2. The blower must be operating when and as long as any material in the firebox is burning.
- D. **Loading of the Firebox:**
1. When loading (feeding) the firebox, the material must not extend above the air curtain (blower airflow).
 2. The loading of materials into the firebox must be discontinued at a minimum of 2 hours prior to the end of the designated burning hours. The blower must continue to operate until the end of the burning hours or until combustion is completed.
 3. Adequate measures must be taken to assure that no emissions emanate from materials left in the firebox (i.e., when combustion is completed). All materials left in the firebox must be extinguished with water or covered over with a minimum of 1 foot of mineral soil.
- E. **Firebox Clean-Out:** All materials removed from the firebox must be completely extinguished and all reasonable precautions taken to control emissions.
- F. **Burning Hours for Air Curtain Destructors:** The following burning hours apply:
- April - September 6 a.m. - 6 p.m.
 - October - March 10 a.m. - 5 p.m.
- While complying with the above schedule, the permittee must also obtain permission from the Control Officer on each day of burning. Burning using an air curtain destructor is not authorized on weekends nor on holidays. Prohibited materials shall never be burned in an air curtain destructor.

NOTICE OF FINAL RULEMAKING

MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS

REGULATION III – CONTROL OF AIR CONTAMINANTS

[M12-252]

PREAMBLE

1. **Rules affected**

<u>Rules affected</u>	<u>Rulemaking action</u>
Rule 321: Municipal Solid Waste Landfills	Amended
Rule 360: New Source Performance Standards	Amended
Rule 370: Federal Hazardous Air Pollutant Program	Amended
Rule 371: Acid Rain	Amended
Appendix G: Incorporated Materials	Amended
2. **Statutory authority for the rulemaking:**

Authorizing Statutes: A.R.S. §§ 49-474, 49-479, and 49-480

Implementing Statutes: A.R.S. §§ 49-112 and 49-471.08
3. **The effective date of the rule:**

Date of adoption: July 25, 2012
4. **List of all previous notices appearing in the Register addressing the rulemaking:**

Notice of Rulemaking Docket Opening: 18 A.A.R. 512, February 10, 2012

Notice of Expedited Rulemaking: 18 A.A.R. 680, March 16, 2012
5. **Name and address of department personnel with whom persons may communicate regarding the rulemaking:**

Name: Cheri Dale
Planning and Analysis Division
Maricopa County Air Quality Department

Address: 1001 N. Central Ave., Suite 125
Phoenix, AZ 85004

Telephone: (602) 506-0169

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E-mail: aqplanning@mail.maricopa.gov

6. Explanation of the rule, including the department's reasons for initiating the rulemaking:

Summary:

The Maricopa County Air Quality Department (department) incorporated by reference various federal regulations and documents promulgated by the U.S. Environmental Protection Agency (EPA) and published in the Federal Register. The rule revisions in this “Notice of Final Rulemaking” implemented federal requirements according to each federal program identified or applicable source type subject to these regulations. These revisions included incorporating by reference actions relating to New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), Acid Rain and other parts of Title 40 of the Code of Federal Regulations (CFR). The rule revisions implemented federal requirements according to each federal program identified or applicable source type subject to these regulations. The action amended the incorporation by reference date from July 1, 2010, to July 1, 2011, in each of the rules to remain current with federal regulations. The adoption of the revisions to Maricopa County Air Pollution Control Regulations Rules 321, 360, 370, 371 and Appendix G was necessary prior to requesting the EPA’s delegation of authority to the department for the implementation and enforcement of the federal regulations and documents.

In addition, the amendments corrected typographical or other clerical errors; made minor grammatical changes to improve readability or clarity; modified the format, numbering, order, capitalization, punctuation, or syntax of certain text to increase standardization within and among rules; or made various other minor changes of a purely editorial nature. As these changes did not alter the sense, meaning, or effect of the rule, they are not described in detail here, but can be readily discerned in the “strikeout and underline” version of the rule contained in Item #16 of this notice.

Proposed Significant Revision Common to Rules 321, 360, 370, 371 and Appendix G:

Amended the incorporation by reference date from “July 1, 2010” to “July 1, 2011.”

Proposed Significant Revisions to Rule 321 (Municipal Solid Waste Landfills):

There were no additional significant revisions to Rule 321 in this rulemaking.

Proposed Significant Revisions to Rule 360 (New Source Performance Standards):

This incorporation by reference is substantially identical to 40 CFR 60, Subparts A, Ce, D, Da, Db, Dc, Ec, F, Ja, CCCC, DDDD, IIII, JJJJ, LLLL, MMMM and Appendices. Updates to the federal NSPS regulations at 40 CFR 60 were incorporated by reference as of July 1, 2011, and no future editions or amendments.

The following amendments to Rule 360 were adopted:

40 CFR 60, Subpart A—General Provisions [Amended at 75 FR 54970, September 9, 2010; at 75 FR 69348, November 12, 2010; and at 76 FR 2832, January 18, 2011].

40 CFR 60, Subpart Ce—Emission Guidelines and Compliance Times for Hospital/Medical/Infectious Waste Incinerators [Amended at 76 FR 18407, April 4, 2011].

40 CFR 60, Subpart D—Standards of Performance for Fossil-Fuel-Fired Steam Generators for Which Construction Is Commenced After August 17, 1971 [Amended at 76 FR 3517, January 20, 2011].

40 CFR 60, Subpart Da—Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978 [Amended at 76 FR 3517, January 20, 2011].

40 CFR 60, Subpart Db—Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units [Amended at 76 FR 3517, January 20, 2011].

40 CFR 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units [Amended at 76 FR 3517, January 20, 2011].

40 CFR 60, Subpart Ec—Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996 [Amended at 76 FR 18407, April 4, 2011].

40 CFR 60, Subpart F—Standards of Performance for Portland Cement Plants [Amended at 75 FR 54970, September 9, 2010, and at 76 FR 2832, January 18, 2011. Denied in part and grant in part of petitions to reconsider at 76 FR 28318, May 17, 2011].

40 CFR 60, Subpart Ja—Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007 [Corrected at 76 FR 10524, February 25, 2011].

40 CFR 60, Subpart CCCC—Standards of Performance for Commercial and Industrial Solid Waste Incineration Units [Amended at 76 FR 15703, March 21, 2011. Delayed at 76 FR 28662, May 18, 2011].

40 CFR 60, Subpart DDDD—Emissions Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units [Amended at 76 FR 15703, March 21, 2011. Delayed at 76 FR 28662, May 18, 2011].

40 CFR 60, Subpart IIII—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines [Amended at 76 FR 37953, June 28, 2011].

40 CFR 60, Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines [Amended at 76 FR 37953, June 28, 2011].

The following amendments to Rule 360 were also adopted:

- Added 40 CFR 60, Subpart LLLL—Standards of Performance for New Sewage Sludge Incineration Units [Added at 76 FR 15371, March 21, 2011].
- Added 40 CFR 60, Subpart MMMM—Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units [Added at 76 FR 15371, March 21, 2011].

Proposed Significant Revisions to Rule 370 (Federal Hazardous Air Pollutant Program):

This incorporation by reference is substantially identical to 40 CFR 61 Subpart A; and 40 CFR 63 Subparts A, U, KK, GGG, LLL, ZZZZ, DDDDD, BBBB, CCCCC, JJJJJ, VVVVVV, WWWWWW, DDDDDDD, and EEEEEEE. Updates to the federal NESHAP regulations at 40 CFR 61 and 40 CFR 63 were incorporated by reference as of July 1, 2011, and no future editions or amendments.

The following amendments to Rule 370 were adopted:

40 CFR 61, Subpart A—General Provisions [Amended at 75 FR 69348, November 12, 2010].

40 CFR 63, Subpart A—General Provisions [Amended at 75 FR 54970, September 9, 2010; 75 FR 69348, November 12, 2010; and at 76 FR 9449, February 17, 2011].

40 CFR 63, Subpart U—National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins [Amended at 76 FR 22566, April 21, 2011].

40 CFR 63, Subpart KK—National Emission Standards for the Printing and Publishing Industry [Amended at 76 FR 22566, April 21, 2011].

40 CFR 63, Subpart GGG—National Emission Standards for Pharmaceuticals Production [Amended at 76 FR 22566, April 21, 2011].

40 CFR 63, Subpart LLL—National Emission Standard for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry [Amended at 75 FR 54970, September 9, 2010, and at 76 FR 2832, January 18, 2011. Denied in part and granted in part petitions to reconsider at 76 FR 28318, May 17, 2011].

40 CFR 63, Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines [Amended at 75 FR 51570, August 20, 2010, and 76 FR 12863, March 9, 2011].

40 CFR 63, Subpart DDDDD—National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters [Amended at 76 FR 15607, March 21, 2011. Delayed at 76 FR 28662, May 18, 2011].

40 CFR 63, Subpart BBBBBB—National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities [Amended at 76 FR4155, January 24, 2011].

40 CFR 63, Subpart CCCCCC—National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities [Amended at 76 FR4155, January 24, 2011].

40 CFR 63, Subpart VVVVVV—National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources [Stay issued for permit applications at 75 FR 77760, December 14, 2010, and at 76 FR 13514, March 14, 2011].

40 CFR 63, Subpart WWWWWW—National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Plating and Polishing Operations [Amended at 76 FR 35744, June 20, 2011].

40 CFR 63, Subpart DDDDDDD—National Emission Standards for Hazardous Air Pollutants for Area Sources: Prepared Feeds Manufacturing [Amended at 75 FR 41991, July 20, 2010].

The following amendments to Rule 370 were also adopted:

- 40 CFR 63, Subpart JJJJJJ—National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers [Added at 76 FR 15554, March 21, 2011. Effective dates delayed at 76 FR 28662, May 18, 2011].
- 40 CFR 63, Subpart EEEEEEE—National Emission Standards for Hazardous Air Pollutants: Gold Mine Ore Processing and Production Area Source Category [Added at 76 FR 9449, February 17, 2011].

Proposed Significant Revisions to Rule 371 (Acid Rain):

This incorporation by reference is substantially identical to 42 CFR 72 and 75. Updates to the federal Acid Rain regulations at 40 CFR 72 and 75 were incorporated by reference as of July 1, 2011, and no future editions or amendments.

The following amendments to Rule 371 were adopted:

40 CFR 72—Permit Regulation [Amended at 75 FR 75060, December 1, 2010, and at 76 FR 17288, March 28, 2011].

40 CFR 75—Continuous Emission Monitoring [Amended at 76 FR 17288, March 28, 2011. Corrected at 76 FR 18415, April 4, 2011].

40 CFR 75, Appendix A—Specifications and Procedures [Amended at 76 FR 17288, March 28, 2011].

40 CFR 75, Appendix B—Quality Assurance and Quality Control Procedures [Amended at 76 FR 17288, March 28, 2011].

40 CFR 75, Appendix D—Optional SO₂ Emissions Data Protocol for Gas-Fired and Oil-Fired Peaking Units [Amended at 76 FR 17288, March 28, 2011. Corrected at 76 FR 20536, April 13, 2011].

40 CFR 75, Appendix E—Optional NO_x Emissions Estimation Protocol for Gas-Fired Peaking Units and Oil-Fired Peaking Units [Amended at 76 FR 17288, March 28, 2011].

40 CFR 75, Appendix F—Conversion Procedures [Amended at 76 FR 17288, March 28, 2011].

40 CFR 75, Appendix K [Removed at 76 FR 17288, March 28, 2011].

Appendix G (Incorporated Materials):

This incorporation by reference includes updates to specific sections in the CFR. The revisions to Appendix G are substantially identical to 40 CFR 50 with appendices A-1, A-2, S, T; 40 CFR 51 with Appendices M and S; 40 CFR 53; 40 CFR 58 with Appendices A and D; 40 CFR 60 Appendices A-3, A-4, A-5, A-6, A-7, A-8, B and F; 40 CFR 61 Appendix B; 40 CFR 63 Appendix A; 40 CFR 75, Appendices A, B, D, E, F, and K; and AP-42. Updates to the CFR referenced in this appendix were incorporated by reference as of July 1, 2011, and no future editions or amendments.

The following amendments to Appendix G were adopted:

40 CFR 50, National Primary and Secondary Ambient Air Quality Standards [Petitions denied at 76 FR 4780, January 26, 2011].

40 CFR 51—Appendix M [Amended at 75 FR 55636, September 13, 2010, and at 75 FR 80118, December 21, 2010].

40 CFR 51—Appendix S [Amended at 75 FR 64864, October 20, 2010, and at 76 FR 17548, March 30, 2011. Comment period extended at 76 FR 23489, April 27, 2011].

40 CFR 51, AP-42 Method for Estimating Re-Entrained Road Dust from Paved Roads [Approved at 76 FR 6328, February 4, 2011].

40 CFR 53—Ambient Air Monitoring Reference and Equivalent Methods [Petitions denied at 76 FR 4780, January 26, 2011].

40 CFR 58—Ambient Air Quality Surveillance [Amended at 75 FR 81126, December 27, 2010. Petitions denied at 76 FR 4780, January 26, 2011].

40 CFR 58, Appendix A [Amended at 75 FR 81126, December 27, 2010].

40 CFR 58, Appendix D [Amended at 75 FR 81126, December 27, 2010].

40 CFR 60, Appendix A-3, Method 5I—Determination of Low Level Particulate Matter Emissions from Stationary Sources [Amended at 75 FR 55636, September 13, 2010].

40 CFR 60, Appendix A-4, Method 6—Determination of Sulfur Dioxide Emissions from Stationary Sources [Amended at 75 FR 55636, September 13, 2010].

40 CFR 60, Appendix A-4, Method 6A—Determination of Sulfur Dioxide, Moisture and Carbon Dioxide Emissions from Fossil Fuel Combustion Sources [Amended at 75 FR 55636, September 13, 2010].

40 CFR 60, Appendix A-4, Method 6C—Determination of Sulfur Dioxide Emissions from Stationary Sources (Instrumental Analyzer Procedure) [Amended at 75 FR 55636, September 13, 2010].

40 CFR 60, Appendix A-4, Method 7—Determination of Nitrogen Oxide Emissions from Stationary Sources [Amended at 75 FR 55636, September 13, 2010].

40 CFR 60, Appendix A-4, Method 7A—Determination of Nitrogen Oxide Emissions from Stationary Sources (Ion Chromatographic Method) [Amended at 75 FR 55636, September 13, 2010].

40 CFR 60, Appendix A-4, Method 7B—Determination of Nitrogen Oxide Emissions from Stationary Sources (Ultraviolet Spectrophotometric Method) [Amended at 75 FR 55636, September 13, 2010].

40 CFR 60, Appendix A-4, Method 7C—Determination of Nitrogen Oxide Emissions from Stationary Sources (Alkaline Permanganate/Colorimetric Method) [Amended at 75 FR 55636, September 13, 2010].

40 CFR 60, Appendix A-4, Method 7D—Determination of Nitrogen Oxide Emissions from Stationary Sources—Alkaline-Permanganate/Ion Chromatographic Method [Amended at 75 FR 55636, September 13, 2010].

40 CFR 60, Appendix A-4, Method 8—Determination of Sulfuric Acid and Sulfur Dioxide Emissions from Stationary Sources [Amended at 75 FR 55636, September 13, 2010].

40 CFR 60, Appendix A-5, Method 15A—Determination of Total Reduced Sulfur Emissions from Sulfur Recovery Plants in Petroleum Refineries [Amended at 75 FR 55636, September 13, 2010].

40 CFR 60, Appendix A-6, Method 16A—Determination of Total Reduced Sulfur Emissions from Stationary Sources (Impinger Technique) [Amended at 75 FR 55636, September 13, 2010].

40 CFR 60, Appendix A-6, Method 18—Measurement of Gaseous Organic Compound Emissions by Gas Chromatography [Amended at 75 FR 55636, September 13, 2010].

40 CFR 60, Appendix A-7, Method 25—Determination of Total Gaseous Nonmethane Organic Emissions as Carbon [Amended at 75 FR 55636, September 13, 2010].

40 CFR 60, Appendix A-7, Method 25C—Determination of Nonmethane Organic Compounds (NMOC) in Landfill Gases [Amended at 75 FR 55636, September 13, 2010].

40 CFR 60, Appendix A-8, Method 26—Determination of Hydrogen Halide and Halogen Emissions from Stationary Sources Non-Isokinetic Method [Amended at 75 FR 55636, September 13, 2010].

40 CFR 60, Appendix A-8, Method 26A—Determination of Hydrogen Halide and Halogen Emissions from Stationary Sources Isokinetic Method [Amended at 75 FR 55636, September 13, 2010].

40 CFR 60, Appendix B, Performance Specification 12A— Specifications and Test Procedures for Total Vapor Phase Mercury Continuous Emission Monitoring Systems in Stationary Sources [Amended at 75 FR 54970, September 9, 2010].

40 CFR 60, Appendix B, Performance Specification 12B—Specifications and Test Procedures for Monitoring Total Vapor Phase Mercury Emissions from Stationary Sources Using a Sorbent Trap Monitoring System [Amended at 75 FR 54970, September 9, 2010].

40 CFR 60, Appendix F, Procedure 5. Quality Assurance Requirements for Vapor Phase Mercury Continuous Emissions Monitoring Systems and Sorbent Trap Monitoring Systems Used for Compliance Determination at Stationary Sources [Amended at 75 FR 54970, September 9, 2010].

40 CFR 61, Appendix B, Method 104—Determination of Beryllium Emissions from Stationary Sources [Amended at 75 FR 55636, September 13, 2010].

40 CFR 61, Appendix B, Method 106—Determination of Vinyl Chloride Emissions from Stationary Sources [Amended at 75 FR 55636, September 13, 2010].

40 CFR 61, Appendix B, Method 108—Determination of Particulate and Gaseous Arsenic Emissions [Amended at 75 FR 55636, September 13, 2010].

40 CFR 61, Appendix B, Method 108A—Determination of Arsenic Content in Ore Samples from Nonferrous Smelters [Amended at 75 FR 55636, September 13, 2010].

40 CFR 61, Appendix B, Method 108B—Determination of Arsenic Content in Ore Samples from Nonferrous Smelters [Amended at 75 FR 55636, September 13, 2010].

40 CFR 61, Appendix B, Method 108C—Determination of Arsenic Content in Ore Samples from Nonferrous Smelters (Molybdenum Blue Photometric Procedure) [Amended at 75 FR 55636, September 13, 2010].

40 CFR 61, Appendix B, Method 111—Determination of Polonium-210 Emissions from Stationary Sources [Amended at 75 FR 55636, September 13, 2010].

40 CFR 63, Appendix A [Amended at 75 FR 55636, September 13, 2010].

40 CFR 63, Appendix A, Method 301—Field Validation of Pollutant Measurement Methods from Various Waste Media [Amended at 76 FR 28664, May 18, 2011].

40 CFR 63, Appendix A, Test Method 321—Measurement of Gaseous Hydrogen Chloride Emissions at Portland Cement Kilns by Fourier Transform Infrared (FTIR) Spectroscopy [Amended at 75 FR 54970, September 9, 2010].

40 CFR 63, Appendix A, Test Method 323—Measurement of Formaldehyde Emissions from Natural Gas-Fired Stationary Sources—Acetyl Acetone Derivatization Method [Amended at 75 FR 51570, August 20, 2010].

40 CFR 75, Appendix A—Specifications and Procedures [Amended at 76 FR 17288, March 28, 2011].

40 CFR 75, Appendix B—Quality Assurance and Quality Control Procedures [Amended at 76 FR 17288, March 28, 2011].

40 CFR 75, Appendix D—Optional SO₂ Emissions Data Protocol for Gas-Fired and Oil-Fired Peaking Units [Amended at 76 FR 17288, March 28, 2011. Corrected at 76 FR 20536, April 13, 2011].

40 CFR 75, Appendix E—Optional NO_x Emissions Estimation Protocol for Gas-Fired Peaking Units and Oil-Fired Peaking Units [Amended at 76 FR 17288, March 28, 2011].

40 CFR 75, Appendix F—Conversion Procedures [Amended at 76 FR 17288, March 28, 2011].

40 CFR 75, Appendix K [Removed at 76 FR 17288, March 28, 2011].

The following amendment to Appendix G was also adopted:

- Amend the language to include revisions to AP-42 as of July 1, 2011.

7. Demonstration of compliance with A.R.S. §49-471.08 expedited rulemaking:

The department declared this as an expedited rule making action as described in A.R.S. § 49-471.08(A).

A.R.S. § 49-471.08(A)(1):

Demonstration that the rule or ordinance making is substantially identical to the sense, meaning and effect of the federal or state rule or law from which it is derived.

Rule 321 is substantially identical to 40 CFR 60, Subpart WWW.

Rule 360 is substantially identical to 40 CFR 60, Subparts A, Ce, D, Da, Db, Dc, Ec, F, Ja, CCCC, DDDD, IIII, JJJJ, LLLL, MMMM and Appendices.

Rule 370 is substantially identical to 40CFR 61 Subpart A; and 40 CFR 63 Subparts A, U, KK, GGG, LLL, ZZZZ, DDDDD, BBBB, CCCCC, JJJJJ, VVVVV, WWWWW, DDDDDDD, and EEEEEEE.

Rule 371 is substantially identical to 42 CFR 72, 75 Acid Rain.

Appendix G is substantially identical to 40 CFR 50 with appendices A-1, A-2, S, T; 40 CFR 51 with Appendices M and S ; 40 CFR 53; 40 CFR 58 with Appendices A and D; 40 CFR 60 Appendices A-3, A-4, A-5, A-6, A-7, A-8, B and F; 40 CFR 61 Appendix B; 40 CFR 63 Appendix A; 40 CFR 75, Appendices A, B, D, E, F, and K; and AP-42.

A.R.S. § 49-471.08(A)(2):

Written finding by the Control Officer setting forth the reasons why the rule or ordinance making is necessary and does not alter the sense, meaning or effect of the federal or state rule or law from which it is derived.

This rulemaking was required to update the applicability dates in these rules. It incorporates subparts that have been passed by the federal government which are required to be implemented by the department. Rules 321, 360, 370, 371, and Appendix G do not alter the sense, meaning or effect of the state rules and federal regulations from which they are derived, as they incorporate language that is essentially the same as the state's applicable rules and the federal code of regulations.

A.R.S. § 49-471.08(A)(3):

Demonstration that fees established in the rule or ordinance do not exceed limits specified in § 49-112.

Rules 321, 360, 370, 371, and Appendix G do not establish fees. Any costs associated with these rules will come from permit application fees for sources obtaining a permit revision to reflect new emission limits, due to applicability of a new standard. Therefore, fees associated with these rules will be exactly the same as fees associated with similar permits and would not exceed any limits specified in § 49-112.

8. Reference to any study relevant to the rule that the department reviewed and either proposes to rely on its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

No studies were reviewed in reference to this expedited rulemaking action. All studies conducted in regards to the CFR being incorporated by reference were conducted at the federal level.

9. Showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision:

Not applicable

10. Summary of the economic, small business, and consumer impact:

The department incorporated by reference the following federal regulations and documents promulgated by the EPA and published in the Federal Register: New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), Acid Rain and other parts of Title 40 Code of Federal Regulations. These revisions should not have an economic impact on businesses in Maricopa County and should not impose additional costs on the regulated community, small businesses, political subdivisions, and members of the public beyond that already incurred by reason of federal or state rule or law. The costs of compliance with these rules have already occurred and were considered when the federal and state rule or law was proposed and adopted.

11. Description of the changes between the proposed rule, including supplemental notices and final rule:

No changes were made to the proposed rule.

12. Summary of the comments made regarding the rulemaking and the department response:

No comments were received concerning the proposed expedited rulemaking.

13. Other matters prescribed by statute that are applicable to the specific department or to any specific rule or class of rules:

Not applicable

14. Incorporations by reference and their location in the rules:

The following are incorporated by reference as of July 1, 2011:

<u>Incorporations by Reference</u>	<u>Location</u>
40 CFR 60, Subparts A, Ce, D, Da, Db, Dc, Ec, F, Ja, CCCC, DDDD, IIII, JJJJ, LLLL, MMMM and Appendices.	Rule 360
40 CFR 61 Subpart A.	Rule 370
40 CFR 63 Subparts A, U, KK, GGG, LLL, ZZZZ, DDDDD, BBBB, CCCCC, JJJJJ, VVVVV, WWWWW, DDDDDDD, EEEEEEE.	Rule 370
40 CFR 72 and 75.	Rule 371
40 CFR 50 with appendices A-1, A-2, S, T;; 40 CFR 51 with Appendices M and S; 40 CFR 53; 40 CFR 58 with Appendices A and D; 40 CFR 60 Appendices A-3, A-4, A-5, A-6, A-7, A-8, B and F; 40 CFR 61 Appendix B; 40 CFR 63 Appendix A; 40 CFR 75, Appendices A, B, D, E, F, and K; and AP-42.	Appendix G
EPA Publication No. AP-42, 1995, "Compilation of Air Pollutant Emission Factors," Volume I: Stationary Point and Area Sources, Fifth Edition, including Supplements A, B, C, D, E, F, and Updates 2001, 2002, 2003, and 2004, and all updates as of July 1, 2011.	Appendix G

15. Was this rule previously an emergency rule?

No

16. The full text of the rules follows:

REGULATION III – CONTROL OF AIR CONTAMINANTS

RULE 321

MUNICIPAL SOLID WASTE LANDFILLS

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Adopted 05/14/97

Revised 03/01/00
Revised 03/07/01
Revised 11/19/03
Revised 03/15/06
Revised 12/17/08
Revised 09/16/09
Revised 07/07/10
Revised 08/17/11
Revised 07/25/12

MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS
REGULATION III – CONTROL OF AIR CONTAMINANTS
RULE 321
MUNICIPAL SOLID WASTE LANDFILLS

SECTION 100 – GENERAL

- 101 PURPOSE:** To limit the emission of nonmethane organic compounds from municipal solid waste landfills.
- 102 APPLICABILITY:** The provisions of this rule shall apply to each municipal solid waste landfill for which construction, reconstruction, or modification commenced prior to May 30, 1991, and which has accepted waste at any time since November 8, 1987, or has additional design capacity available for future waste deposition.
- 103 AVAILABILITY OF INFORMATION:** Copies of 40 CFR 60, Subpart WWW are available electronically at: ecfr.gpoaccess.gov; at the Maricopa County Air Quality Department, 1001 N. Central Ave., Phoenix, AZ, 85004; or by calling (602) 506-0169 for information. ASTM standards are available from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428, or from its website at www.astm.org.

SECTION 200 – DEFINITIONS: See Rule 100 of these rules for definitions of terms that are used but not specifically defined in this rule. For the purpose of this rule, the following definitions shall apply, in addition to those definitions found in Rule 100 (General Provisions and Definitions) of these rules. In the event of any inconsistency between any of the Maricopa County air pollution control rules, the definitions in this rule take precedence.

- 201 ADMINISTRATOR** – The Control Officer, except that the Control Officer shall not be empowered to approve alternative or equivalent test methods.
- 202 AFFECTED FACILITY** – Any municipal solid waste landfill to which this rule is applicable.
- 203 COMMENCED** – State or condition where an owner or operator has undertaken a continuous program of construction; or where an owner or operator has entered into a contractual obligation to undertake and complete such a program.
- 204 CONSTRUCTION** – The fabrication, erection, or installation of an affected facility.
- 205 MODIFICATION** – Any physical change in, or change in the method of operation of, an affected facility which would result in a change in actual emissions.
- 206 MUNICIPAL SOLID WASTE LANDFILL (MSW LANDFILL)** – An entire, publicly or privately owned, disposal facility in a contiguous geographical space where household waste is placed in or on land. Portions of a MSW landfill may be separated by access roads.
- 207 NMOC** – Nonmethane organic compound.
- 208 OWNER OR OPERATOR** – Any person who owns, leases, operates, controls, or supervises an affected facility.

SECTION 300 – STANDARDS

- 301 STANDARDS OF PERFORMANCE FOR MSW LANDFILLS** The federal standards of performance for municipal solid waste landfills set forth in 40 CFR 60, Subpart WWW adopted as of July 1, ~~2010~~ 2011, and all accompanying appendices, excluding 40 CFR 60.750, are adopted and incorporated by reference with the amendments and revisions set forth in this section. This adoption by reference includes no future editions or revisions. Each owner or operator of an affected facility shall comply with the requirements of 40 CFR 60, Subpart WWW as adopted and, where applicable, revised herein.

- 301.1 Collection and Control System Design Plan:** 40 CFR 60.752(b)(2)(i) is amended to read: “Submit a collection and control design plan prepared by a professional engineer to the Administrator for approval not later than 12 months after submittal of the initial NMOC emission rate report.”
- 301.2 Design Capacity Report:** 40 CFR 60.757(a) is amended to read “Each owner or operator of an affected facility shall submit an initial design capacity report to the Administrator within 90 days from May 14, 1997.” 40 CFR 60.757(a)(1) is deleted.
- 301.3 NMOC Emission Rate Report:** 40 CFR 60.757(b) is amended to read “Each owner or operator of an affected facility shall submit an NMOC emission rate report to the Administrator initially and annually thereafter, except as provided for in paragraphs (b)(1)(ii) or (b)(3) of this section. The Administrator may request such additional information as may be necessary to verify the reported NMOC emission rate.” 40 CFR 60.757(b)(1)(i) is amended to read: “The initial NMOC emission rate report shall be submitted within 90 days from May 14, 1997 and may be combined with the initial design capacity report required in paragraph (a) of this section. Subsequent NMOC emission rate reports shall be submitted annually thereafter, except as provided for in paragraphs (b)(1)(ii) and (b)(3) of this section.”
- 302 DELAYED APPLICABILITY:** For an affected facility that first becomes subject to the collection and control system requirement of 40 CFR 60.752 after May 14, 1997, the design plan shall be due not later than 12 months after submittal or scheduled submittal of an NMOC emission rate report of 50 megagrams (55.12 tons) per year or more.

SECTION 400 – ADMINISTRATIVE REQUIREMENTS (NOT APPLICABLE)

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RULE 360

NEW SOURCE PERFORMANCE STANDARDS

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Revised 07/13/88
Revised 04/06/92
Revised 11/20/96
Revised 05/14/97
Revised 08/19/98
Revised 04/07/99
Revised 03/01/00

Revised 03/07/01
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Revised 12/17/08
Revised 09/16/09
Revised 07/07/10
Revised 08/17/11
Revised 07/25/12

MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS
REGULATION III – CONTROL OF AIR CONTAMINANTS
RULE 360
NEW SOURCE PERFORMANCE STANDARDS

SECTION 100 – GENERAL

- 101 PURPOSE:** To establish acceptable design and performance criteria for specified new or modified emission sources.
- 102 APPLICABILITY:** The provisions of this rule apply to the owner or operator of any stationary source which contains an affected facility on which the construction, reconstruction, or a modification is commenced after the date of publication of any standard applicable to such facility in 40 CFR 60-and for which federal delegation of the implementation and enforcement of the standards to the Maricopa County Air Quality Department (department) has been accomplished. Any such stationary source must also comply with other Maricopa County Air Pollution Control Regulations.
- 103 AVAILABILITY OF INFORMATION:** Copies of all 40 CFR, Part 60 revisions currently enforced by the department are available electronically at: ecfr.gpoaccess.gov; at the Maricopa County Air Quality Department, 1001 N. Central Ave., Phoenix, AZ, 85004; or by calling (602) 506-0169 for information. ASTM standards are available from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428, or from its website at www.astm.org.
- 104 FEDERAL DELEGATION AUTHORITY:** The department shall enforce the federal new source performance standards (NSPS) (40 CFR Part 60) listed in Section 300 of this rule which have been delegated to the County by the United States Environmental Protection Agency (EPA) for such enforcement. The department may, in addition, enforce such other NSPS as delegated for such enforcement by the EPA to the County.

SECTION 200 – DEFINITIONS: For the purpose of this rule, the following definitions shall apply, in addition to those definitions found in Rule 100 (General Provisions and Definitions) of these rules. In the event of any inconsistency between any of the Maricopa County air pollution control rules, the definitions in this rule take precedence.

- 201 ADMINISTRATOR** – As used in Part 60, Title 40, Code of Federal Regulations, shall mean the Control Officer, except that the Control Officer shall not be empowered to approve alternate or equivalent test methods or alternative standards/work practices, or other nondelegable authorities such as those listed in 40 CFR 60.4(d), except as specifically provided in each subpart.
- 202 AFFECTED FACILITY** – With reference to a stationary source, any apparatus to which a standard is applicable.
- 203 COMMENCED** – With respect to the definition of "new source" in Section 111(a)(2) of the Act, that an owner or operator has undertaken a continuous program of construction, reconstruction, or modification or that an owner or operator has entered into a contracted obligation to undertake and complete, within a reasonable time, a continuous program of construction, reconstruction or modification.
- 204 CONSTRUCTION** – The fabrication, erection, or installation of an affected facility.
- 205 MODIFICATION** – Any physical change in, or change in the method of operation of, an existing facility which increases the amount of any contaminant (to which a standard applies) emitted into the atmosphere by that facility or which results in the emission of any air contaminant (to which a standard applies) into the atmosphere not previously emitted.
- 206 OWNER OR OPERATOR** – Any person who owns, leases, operates, controls, or supervises an affected facility or a stationary source of which an affected facility is a part.
- 207 STANDARD** – A standard of performance promulgated under this rule.

208 STATIONARY SOURCE – Any building, structure, facility, or installation which emits or may emit any air pollutant.

SECTION 300 – STANDARDS

301 ADOPTED FEDERAL STANDARDS: The federal standards of performance for those subparts of 40 CFR 60 adopted as of July 1, ~~2010~~2011, as listed below, and all accompanying appendices are adopted and incorporated by reference, and no future editions or amendments, in the Maricopa County Air Pollution Control Regulations as indicated. Incorporation by reference does not include nondelegable functions of the EPA Administrator.

- 301.1 Subpart A—General Provisions; exclude any sections dealing with equivalency determinations or innovative technology waivers, as covered in Sections 111(h)(3) and 111(j) respectively of the Clean Air Act.
- 301.2 Subpart D—Standards of Performance for Fossil-Fuel-Fired Steam Generators for which Construction is Commenced after August 17, 1971.
- 301.3 Subpart Da—Standards of Performance for Electric Utility Steam Generating Units for which Construction is Commenced after September 18, 1978.
- 301.4 Subpart Db—Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units.
- 301.5 Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units.
- 301.6 Subpart E—Standards of Performance for Incinerators.
- 301.7 Subpart Ea—Standards of Performance for Municipal Waste Combustors for which Construction is Commenced after December 20, 1989 and on or before September 20, 1994.
- 301.8 Subpart Eb—Standards of Performance for Large Municipal Waste Combustors for which Construction is Commenced after September 20, 1994 or for which Modification or Reconstruction is Commenced after June 19, 1996.
- 301.9 Subpart Ec—Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for which Construction is Commenced after June 20, 1996.
- 301.10 Subpart F—Standards of Performance for Portland Cement Plants.
- 301.11 Subpart G—Standards of Performance for Nitric Acid Plants.
- 301.12 Subpart H—Standards of Performance for Sulfuric Acid Plants.
- 301.13 Subpart I—Standards of Performance for Hot Mix Asphalt Facilities.
- 301.14 Subpart J—Standards of Performance for Petroleum Refineries.
- 301.15 Subpart Ja—Standards of Performance for Petroleum Refineries for which Construction, Reconstruction, or Modification Commenced after May 14, 2007.
- 301.16 Subpart K—Standards of Performance for Storage Vessels for Petroleum Liquids for which Construction, Reconstruction, or Modification Commenced after June 11, 1973, and prior to May 19, 1978.
- 301.17 Subpart Ka—Standards of Performance for Storage Vessels for Petroleum Liquids for which Construction, Reconstruction, or Modification Commenced after May 18, 1978, and prior to July 23, 1984.
- 301.18 Subpart Kb—Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for which Construction, Reconstruction, or Modification Commenced after July 23, 1984.
- 301.19 Subpart L—Standards of Performance for Secondary Lead Smelters.
- 301.20 Subpart M—Standards of Performance for Secondary Brass and Bronze Production Plants.
- 301.21 Subpart N—Standards of Performance for Primary Emissions from Basic Oxygen Process Furnaces for which Construction Commenced after June 11, 1973.
- 301.22 Subpart Na—Standards of Performance for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for which Construction Commenced after January 20, 1983.
- 301.23 Subpart O—Standards of Performance for Sewage Treatment Plants.
- 301.24 Subpart P—Standards of Performance for Primary Copper Smelters.
- 301.25 Subpart Q—Standards of Performance for Primary Zinc Smelters.
- 301.26 Subpart R—Standards of Performance for Primary Lead Smelters.
- 301.27 Subpart S—Standards of Performance for Primary Aluminum Reduction Plants.
- 301.28 Subpart T—Standards of Performance for the Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants.

- 301.29** **Subpart U**—Standards of Performance for the Phosphate Fertilizer Industry: Superphosphoric Acid Plants.
- 301.30** **Subpart V**—Standards of Performance for the Phosphate Fertilizer Industry: Diammonium Phosphate Plants.
- 301.31** **Subpart W**—Standards of Performance for the Phosphate Fertilizer Industry: Triple Superphosphate Plants.
- 301.32** **Subpart X**—Standards of Performance for the Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities.
- 301.33** **Subpart Y**—Standards of Performance for Coal Preparation and Processing Plants.
- 301.34** **Subpart Z**—Standards of Performance for Ferroalloy Production Facilities.
- 301.35** **Subpart AA**—Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed after October 21, 1974, and on or before August 17, 1983.
- 301.36** **Subpart AAa**—Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed after August 17, 1983.
- 301.37** **Subpart BB**—Standards of Performance for Kraft Pulp Mills.
- 301.38** **Subpart CC**—Standards of Performance for Glass Manufacturing Plants.
- 301.39** **Subpart DD**—Standards of Performance for Grain Elevators.
- 301.40** **Subpart EE**—Standards of Performance for Surface Coating of Metal Furniture.
- 301.41** **Subpart GG**—Standards of Performance for Stationary Gas Turbines.
- 301.42** **Subpart HH**—Standards of Performance for Lime Manufacturing Plants.
- 301.43** **Subpart KK**—Standards of Performance for Lead-Acid Battery Manufacturing Plants.
- 301.44** **Subpart LL**—Standards of Performance for Metallic Mineral Processing Plants.
- 301.45** **Subpart MM**—Standards of Performance for Automobile and Light Duty Truck Surface Coating Operations.
- 301.46** **Subpart NN**—Standards of Performance for Phosphate Rock Plants.
- 301.47** **Subpart PP**—Standards of Performance for Ammonium Sulfate Manufacture.
- 301.48** **Subpart QQ**—Standards of Performance for the Graphic Arts Industry: Publication Rotogravure Printing.
- 301.49** **Subpart RR**—Standards of Performance for Pressure Sensitive Tape and Label Surface Coating Operations.
- 301.50** **Subpart SS**—Standards of Performance for Industrial Surface Coating: Large Appliances.
- 301.51** **Subpart TT**—Standards of Performance for Metal Coil Surface Coating.
- 301.52** **Subpart UU**—Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture.
- 301.53** **Subpart VV**—Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for which Construction, Reconstruction, or Modification Commenced after January 5, 1981, and on or before November 7, 2006.
- 301.54** **Subpart VVa**—Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for which Construction, Reconstruction, or Modification Commenced after November 7, 2006.
- 301.55** **Subpart WW**—Standards of Performance for the Beverage Can Surface Coating Industry.
- 301.56** **Subpart XX**—Standards of Performance for Bulk Gasoline Terminals.
- 301.57** **Subpart AAA**—Standards of Performance for New Residential Wood Heaters.
- 301.58** **Subpart BBB**—Standards of Performance for the Rubber Tire Manufacturing Industry.
- 301.59** **Subpart DDD**—Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry.
- 301.60** **Subpart FFF**—Standards of Performance for Flexible Vinyl and Urethane Coating and Printing.
- 301.61** **Subpart GGG**—Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for which Construction, Reconstruction, or Modification Commenced after January 4, 1983, and on or before November 7, 2006.
- 301.62** **Subpart GGGa**—Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for which Construction, Reconstruction, or Modification Commenced after November 7, 2006.
- 301.63** **Subpart HHH**—Standards of Performance for Synthetic Fiber Production Facilities.

- 301.64** **Subpart III**—Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes.
- 301.65** **Subpart JJJ**—Standards of Performance for Petroleum Dry Cleaners.
- 301.66** **Subpart KKK**—Standards of Performance for Equipment Leaks of VOC from Onshore Natural Gas Processing Plants.
- 301.67** **Subpart LLL**—Standards of Performance for Onshore Natural Gas Processing: SO₂ Emissions.
- 301.68** **Subpart NNN**—Standards of Performance for Volatile Organic Compound (VOC) Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations.
- 301.69** **Subpart OOO**—Standards of Performance for Nonmetallic Mineral Processing Plants.
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- 301.73** **Subpart SSS**—Standards of Performance for Magnetic Tape Coating Facilities.
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- 301.75** **Subpart UUU**—Standards of Performance for Calciners and Dryers in Mineral Industries.
- 301.76** **Subpart VVV**—Standards of Performance for Polymeric Coating of Supporting Substrates Facilities.
- 301.77** **Subpart WWW**—Standards of Performance for Municipal Solid Waste Landfills.
- 301.78** **Subpart AAAA**—Standards of Performance for Small Municipal Waste Combustion Units for which Construction is Commenced after August 30, 1999 or for which Modification or Reconstruction is Commenced after June 6, 2001.
- 301.79** **Subpart CCCC**—Standards of Performance for Commercial and Industrial Solid Waste Incineration Units for which Construction is Commenced after November 30, 1999 or for which Modification or Reconstruction is Commenced on or after June 1, 2001.
- 301.80** **Subpart EEEE**—Standards of Performance for Other Solid Waste Incineration Units for which Construction is Commenced after December 9, 2004, or for which Modification or Reconstruction is Commenced on or after June 16, 2006.
- 301.81** **Subpart FFFF**—Emission Guidelines and Compliance Times for Other Solid Waste Incinerator Units that Commenced Construction on or before December 9, 2004.
- 301.82** **Subpart IIII**—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines.
- 301.83** **Subpart JJJJ**—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines.
- 301.84** **Subpart KKKK**—Standards of Performance for Stationary Combustion Turbines.
- 301.85** **Subpart LLLL**—Standards of Performance for New Sewage Sludge Incineration Units.
- 301.86** **Subpart MMMM**—Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units.
- 302** **ADDITIONAL REQUIREMENTS:** From the general standards identified in Section 301 of this rule, delete 40 CFR 60.4, 60.5, and 60.6. All requests, reports, applications, submittals, and other communications to the Control Officer pursuant to this rule shall be submitted to the Maricopa County Air Quality Department, 1001 N. Central Ave., Phoenix, AZ, 85004.

SECTION 400 – ADMINISTRATIVE REQUIREMENTS (NOT APPLICABLE)

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REGULATION III – CONTROL OF AIR CONTAMINANTS

RULE 370

FEDERAL HAZARDOUS AIR POLLUTANT PROGRAM

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- 401 CONTROL TECHNOLOGY DETERMINATIONS FOR MAJOR SOURCES IN ACCORDANCE WITH CLEAN AIR ACT SECTIONS, SECTIONS 112(g) AND 112(j)
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Revised 07/13/88
Revised 04/06/92
Repealed and Adopted 11/15/93
Revised 11/20/96
Revised 05/14/97
Revised 05/20/98
Revised 08/19/98
Revised 03/01/00
Revised 03/07/01
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Revised 09/16/09
Revised 07/07/10
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Revised 07/25/12

MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS
REGULATION III – CONTROL OF AIR CONTAMINANTS
RULE 370
FEDERAL HAZARDOUS AIR POLLUTANT PROGRAM

SECTION 100 – GENERAL

- 101 PURPOSE:** To establish emission standards for federally listed hazardous air pollutants.
- 102 APPLICABILITY:** The provisions of this rule apply to the owner or operator of any stationary source for which a standard is prescribed under this rule, and for which federal delegation of the implementation and

enforcement of the standards to the Maricopa County Air Quality Department (department) has been accomplished. Any such stationary source must also comply with other Maricopa County Air Pollution Control Regulations.

103 AVAILABILITY OF INFORMATION: Copies of all 40 CFR, Part 61 and Part 63 revisions currently enforced by the department are available electronically at: ecfr.gpoaccess.gov; at the Maricopa County Air Quality Department, 1001 N. Central Ave., Phoenix, AZ, 85004; or by calling (602) 506-0169 for information. ASTM standards are available from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428, or from its website at www.astm.org.

104 FEDERAL DELEGATION AUTHORITY: The department shall enforce the national emission standards for hazardous air (NESHAPs) (40 CFR 61 and 40 CFR 63) listed in Section 300 of this rule which have been delegated to the County by the United States Environmental Protection Agency (EPA) for such enforcement. The department in addition, may enforce such other NESHAPs as delegated for such enforcement by the EPA to the County.

SECTION 200 – DEFINITIONS: For the purpose of this rule, the following definitions shall apply, in addition to those definitions found in Rule 100 (General Provisions and Definitions) of these rules. In the event of any inconsistency between any of the Maricopa County air pollution control rules, the definitions in this rule take precedence.

201 ADMINISTRATOR – As used in Parts 61 and 63, Title 40, Code of Federal Regulations, shall mean the Control Officer, except that the Control Officer shall not be empowered to approve alternate or equivalent test methods, alternative standards/work practices, or other nondelegable authorities, except as specifically provided in each subpart.

202 AMENDED WATER – Water to which surfactant (wetting agent) has been added to increase the ability of the liquid to penetrate asbestos-containing material (ACM).

203 EXISTING SOURCE – Any stationary source other than a new source.

204 FEDERALLY LISTED HAZARDOUS AIR POLLUTANT – Any air pollutant listed pursuant to Section 112(b) of the Act.

205 GOVERNMENT-ISSUED PHOTO IDENTIFICATION CARD – Includes, but is not limited to, a valid driver's license, a valid nonoperating identification license, a valid tribal enrollment card or tribal identification card, or other valid government issued photo identification that includes the name, address, and photograph of the card holder.

206 HAZARDOUS AIR POLLUTANT – Any air pollutant regulated under Section 112 of the Act, any air pollutant subject to NESHAP, or any air pollutant designated by the Director as a hazardous air pollutant pursuant to A.R.S. § 49-426.04.

207 MAJOR SOURCE – A stationary source or group of stationary sources located within a contiguous area, and under common control, and that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any federally listed hazardous air pollutant or 25 tons per year or more of any combination of federally listed hazardous air pollutants. A lesser quantity or, in the case of radionuclides, a different criteria may be established by the Administrator pursuant to Section 112 of the Act and may be adopted by the Board of Supervisors by rule.

208 MODIFICATION – Any physical change in, or change in the method of operation of a major source which increases the actual emissions of any federally listed hazardous air pollutant emitted by such source by more than a de minimis amount, or which results in the emission of any federally listed hazardous air pollutant, not previously emitted by more than a de minimis amount.

209 NESHAP – National emission standards for hazardous air pollutants pursuant to 40 CFR Part 61 and Part 63.

210 NEW SOURCE – A stationary source, the construction or reconstruction of which commences after the Administrator first proposes regulations under Section 112 of the Act establishing an emission standard applicable to such source.

211 STATIONARY SOURCE – Any building, structure, facility, or installation which emits or may emit any air pollutant.

SECTION 300 – STANDARDS

301 STANDARDS OF PERFORMANCE FOR FEDERALLY LISTED HAZARDOUS AIR POLLUTANTS: The federally listed hazardous air pollutants as listed in Table 370.1 of this rule and NESHAPs adopted as of July 1, ~~2010~~2011, as listed below and as which can be found at 40 CFR 61 and all accompanying appendices, are incorporated by reference with the listed exclusions and additions and shall

be applied by the Control Officer. This incorporation by reference includes no future editions or amendments. Each owner or operator subject to the requirements of the following subparts shall comply with the requirements of those subparts and the additional requirements set forth herein. Incorporation by reference does not include nondelegable functions of the EPA Administrator.

- 301.1 Subpart A**—General Provisions; exclude any sections dealing with equivalency determinations that are nontransferable through Section 112(e)(3) of the Act.
- 301.2 Subpart C**—National Emission Standard for Beryllium.
- 301.3 Subpart D**—National Emission Standard for Beryllium Rocket Motor Firing.
- 301.4 Subpart E**—National Emission Standard for Mercury.
- 301.5 Subpart F**—National Emission Standard for Vinyl Chloride.
- 301.6 Subpart J**—National Emission Standard for Equipment Leaks (Fugitive Emission Sources) of Benzene.
- 301.7 Subpart L**—National Emission Standard for Benzene Emissions from Coke By-Product Recovery Plants.
- 301.8 Subpart M**—National Emission Standard for Asbestos.
 - a.** Each owner or operator of a demolition activity or renovation activity involving a facility as defined in 40 CFR 61, Subpart M shall:
 - (1)** Fully comply with all requirements of 40 CFR 61, Subpart M.
 - (2)** Thoroughly inspect the facility within 12 months of commencement of demolition or renovation activity for the presence of asbestos, including Category I and Category II nonfriable ACM. Include the date of this inspection on the written notification.
 - (3)** Provide the Control Officer with written notification of intention to demolish or to renovate in the manner described in 40 CFR 61.145.
 - (4)** Update all notifications in accordance with 40 CFR 61.145(b). For renovations described in 40 CFR 61.145(a)(4)(iii), notifications shall expire every December 31, with new notices required at least 10 working days before the end of the calendar year preceding the year for which notice is being given. All other notifications shall expire one year from either the original postmark date or commercial delivery date or date of hand delivery to the Control Officer. For a demolition activity or renovation activity that continues beyond the expiration date, the owner or operator of the demolition or renovation activity shall notify the Control Officer in accordance with 40 CFR 61.145(b) at least 10 working days prior to the expiration of the original notice and pay all applicable fees prescribed by Rule 280 of these rules.
 - (5)** Pay all applicable fees prescribed by Rule 280 of these rules.
 - b.** In addition, each owner or operator of a demolition activity or renovation activity shall comply with the following requirements:
 - (1)** Certification, training, and record keeping requirements:
 - (a)** All facilities scheduled for demolition or renovation shall be inspected by a currently certified Asbestos Hazard Emergency Response Act (AHERA) accredited asbestos building inspector (herein referenced as inspector), as required by either AHERA or the Asbestos School Hazard Abatement Reauthorization Act (ASHARA).
 - (b)** Each owner and operator of a facility shall maintain a copy of any reports of inspections made for a facility for two years from completion of project, including laboratory test results of samples collected. A copy of the inspection reports and laboratory test results shall be on-site and available for inspection at the facility, upon request of the Department, during all demolition and renovation (asbestos setup, removal, handling, collecting, containerizing, cleanup and dismantling) activities.
 - (c)** All asbestos workers shall maintain current AHERA worker certification. All asbestos contractor/supervisors shall maintain current AHERA/ASHARA contractor/supervisor certification and shall be on-site at all times during any active asbestos abatement work at or above NESHAP threshold amounts. A legible copy of all asbestos workers and contractor/supervisor's current training certificates from an EPA accredited training provider shall be available for inspection at all times at the demolition or renovation site.

- (d) All asbestos workers and contractor/supervisors shall have color photo identification on-site and available for inspection, upon request of the Department, at all times during asbestos setup, removal, handling, collecting, containerizing, cleanup and dismantling. The color photo identification shall be from an EPA accredited training provider verifying the certification requirements in section (b)(1)(c), or a current government-issued photo identification card.
- (2) Asbestos renovation and demolition standards:
 - (a) A facility owner or operator shall not create visible dust emissions when removing or transporting to the disposal site Category I nonfriable asbestos-containing material (ACM) and Category II nonfriable ACM that remain nonfriable Category I ACM and nonfriable Category II ACM.
 - (b) Inspection viewing devices at facilities are required at all asbestos renovation projects where regulated asbestos-containing material (RACM) is being abated, except for roofing projects involving Category I nonfriable ACM and Category II nonfriable ACM exclusively. Viewing devices shall be so designed as to allow an inspector to view the facility from the outside, either through ports or by video monitoring.
 - (c) All exposed RACM subject to cutting or dismantling operations and all RACM being removed from a facility or a facility component shall be kept adequately wet by using amended water to control the release of asbestos fibers. The use of amended water will not be required in the case of an ordered demolition, as defined in 40 CFR 61.145(a)(3), where the debris is suspected to contain or is known to contain ACM, however ordered demolitions are subject to 40 CFR 61.145(c)(9). Specific exemptions are listed under 40 CFR 61.145(c)(3)(i)(A), 40 CFR 61.145(c)(3)(ii) and/or 40 CFR 61.145(c)(7)(i). To claim these exemptions, the owner or operator shall follow the requirements of 40 CFR 61.145(c)(3)(i)(B), 40 CFR 61.145(c)(3)(iii) and/or 61.145(c)(7)(ii) and (iii).
 - (d) All RACM shall be contained in transparent, leak-tight wrapping and shall remain adequately wet to prevent dust emissions during removal, transport, storage, and proper landfill disposal following local, county, state, and federal regulations. Affix a visible and legible label to each individual wrapping with the name of the site owner or operator and the name and address of the location that generated the RACM.

301.9 **Subpart N**—National Emission Standard for Inorganic Arsenic Emissions from Glass Manufacturing Plants.

301.10 **Subpart O**—National Emission Standard for Inorganic Arsenic Emissions from Primary Copper Smelters.

301.11 **Subpart P**—National Emission Standard for Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production Facilities.

301.12 **Subpart V**—National Emission Standard for Equipment Leaks (Fugitive Emission Sources).

301.13 **Subpart Y**—National Emission Standard for Benzene Emissions from Benzene Storage Vessels.

301.14 **Subpart BB**—National Emission Standard for Benzene Emissions from Benzene Transfer Operations.

301.15 **Subpart FF**—National Emission Standard for Benzene Waste Operations.

302 **STANDARDS OF PERFORMANCE FOR FEDERALLY LISTED HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES:** The federally listed hazardous air pollutants as listed in Table 370.1 of this rule and NESHAPs adopted as of July 1, ~~2010~~2011, as listed below and as which can be found at 40 CFR 63, and all accompanying appendices, are incorporated by reference, as applicable requirements, with the listed exclusions and additions and shall be applied by the Control Officer. This incorporation by reference includes no future editions or amendments. Each owner or operator subject to the requirements of the following subparts shall comply with the requirements of those subparts and the additional requirements set forth. Incorporation by reference does not include nondelegable functions of the EPA Administrator.

302.1 **Subpart A**—General Provisions.

302.2 **Subpart B**—Requirements for Control Technology Determinations for Major Sources in Accordance with Clean Air Act Sections, Sections 112(g) and 112(j).

- 302.3** **Subpart C**—List of Hazardous Air Pollutants, Petitions Process, Lesser Quantity Designations, Source Category List.
- 302.4** **Subpart D**—Regulations Governing Compliance Extensions for Early Reductions of Hazardous Air Pollutants.
- 302.5** **Subpart F**—National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry.
- 302.6** **Subpart G**—National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater.
- 302.7** **Subpart H**—National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks.
- 302.8** **Subpart I**—National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks.
- 302.9** **Subpart J**—National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production.
- 302.10** **Subpart L**—National Emission Standards for Coke Oven Batteries.
- 302.11** **Subpart M**—National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities.
- 302.12** **Subpart N**—National Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks.
- 302.13** **Subpart O**—Ethylene Oxide Emissions Standards for Sterilization Facilities.
- 302.14** **Subpart Q**—National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers.
- 302.15** **Subpart R**—National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations).
- 302.16** **Subpart S**—National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry.
- 302.17** **Subpart T**—National Emission Standards for Halogenated Solvent Cleaning.
- 302.18** **Subpart U**—National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins.
- 302.19** **Subpart W**—National Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production and Non-Nylon Polyamides Production.
- 302.20** **Subpart X**—National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting.
- 302.21** **Subpart AA**—National Emission Standards for Hazardous Air Pollutants from Phosphoric Acid Manufacturing Plants.
- 302.22** **Subpart BB**—National Emission Standards for Hazardous Air Pollutants from Phosphate Fertilizers Production Plants.
- 302.23** **Subpart CC**—National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries.
- 302.24** **Subpart DD**—National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations.
- 302.25** **Subpart EE**—National Emission Standards for Magnetic Tape Manufacturing Operations.
- 302.26** **Subpart GG**—National Emission Standards for Aerospace Manufacturing and Rework Facilities.
- 302.27** **Subpart HH**—National Emission Standards for Hazardous Air Pollutants from Oil and Natural Gas Production Facilities.
- 302.28** **Subpart JJ**—National Emission Standards for Wood Furniture Manufacturing Operations.
- 302.29** **Subpart KK**—National Emission Standards for the Printing and Publishing Industry.
- 302.30** **Subpart MM**—National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semicheical Pulp Mills.
- 302.31** **Subpart OO**—National Emission Standards for Tanks – Level 1.
- 302.32** **Subpart PP**—National Emission Standards for Containers.
- 302.33** **Subpart QQ**—National Emission Standards for Surface Impoundments.
- 302.34** **Subpart RR**—National Emission Standards for Individual Drain Systems.
- 302.35** **Subpart SS**—National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process.

- 302.36** **Subpart TT**—National Emission Standards for Equipment Leaks – Control Level 1.
- 302.37** **Subpart UU**—National Emission Standards for Equipment Leaks – Control Level 2 Standards.
- 302.38** **Subpart VV**—National Emission Standards for Oil-Water Separators and Organic-Water Separators.
- 302.39** **Subpart WW**—National Emission Standards for Storage Vessels (Tanks) – Control Level 2.
- 302.40** **Subpart XX**—National Emission Standards for Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations.
- 302.41** **Subpart YY**—National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards.
- 302.42** **Subpart CCC**—National Emission Standards for Hazardous Air Pollutants for Steel Pickling – HCl Process Facilities and Hydrochloric Acid Regeneration Plants.
- 302.43** **Subpart DDD**—National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production.
- 302.44** **Subpart EEE**—National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors.
- 302.45** **Subpart GGG**—National Emission Standards for Pharmaceuticals Production.
- 302.46** **Subpart HHH**—National Emission Standards for Hazardous Air Pollutants from Natural Gas Transmission and Storage Facilities.
- 302.47** **Subpart III**—National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production.
- 302.48** **Subpart JJJ**—National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins.
- 302.49** **Subpart LLL**—National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry.
- 302.50** **Subpart MMM**—National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production.
- 302.51** **Subpart NNN**—National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing.
- 302.52** **Subpart OOO**—National Emission Standards for Hazardous Air Pollutant Emissions: Manufacture of Amino/Phenolic Resins.
- 302.53** **Subpart PPP**—National Emission Standards for Hazardous Air Pollutant Emissions for Polyether Polyols Production.
- 302.54** **Subpart QQQ**—National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting.
- 302.55** **Subpart RRR**—National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production.
- 302.56** **Subpart TTT**—National Emission Standards for Hazardous Air Pollutants for Primary Lead Smelting.
- 302.57** **Subpart UUU**—National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units.
- 302.58** **Subpart VVV**—National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works.
- 302.59** **Subpart XXX**—National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese.
- 302.60** **Subpart AAAA**—National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills.
- 302.61** **Subpart CCCC**—National Emission Standards for Hazardous Air Pollutants: Manufacturing of Nutritional Yeast.
- 302.62** **Subpart DDDD**—National Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products.
- 302.63** **Subpart EEEE**—National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline).
- 302.64** **Subpart FFFF**—National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing.
- 302.65** **Subpart GGGG**—National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production.

- 302.66** **Subpart HHHH**—National Emission Standards for Hazardous Air Pollutants for Wet-Formed Fiberglass Mat Production.
- 302.67** **Subpart IIII**—National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks.
- 302.68** **Subpart JJJJ**—National Emission Standards for Hazardous Air Pollutants: Paper and Other Web Coating.
- 302.69** **Subpart KKKK**—National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Cans.
- 306.70** **Subpart MMMM**—National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products.
- 302.71** **Subpart NNNN**—National Emission Standards for Hazardous Air Pollutants: Surface Coating of Large Appliances.
- 302.72** **Subpart OOOO**—National Emission Standards for Hazardous Air Pollutants: Printing, Coating, and Dyeing of Fabrics and Other Textiles.
- 302.73** **Subpart PPPP**—National Emission Standards for Hazardous Air Pollutants for Surface Coating of Plastic Parts and Products.
- 302.74** **Subpart QQQQ**—National Emission Standards for Hazardous Air Pollutants: Surface Coating of Wood Building Products.
- 302.75** **Subpart RRRR**—National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Furniture.
- 302.76** **Subpart SSSS**—National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Coil.
- 302.77** **Subpart TTTT**—National Emission Standards for Hazardous Air Pollutants for Leather Finishing Operations.
- 302.78** **Subpart UUUU**—National Emission Standards for Hazardous Air Pollutants for Cellulose Products Manufacturing.
- 302.79** **Subpart VVVV**—National Emission Standards for Hazardous Air Pollutants for Boat Manufacturing.
- 302.80** **Subpart WWWW**—National Emission Standards for Hazardous Air Pollutants: Reinforced Plastic Composites Production.
- 302.81** **Subpart XXXX**—National Emission Standards for Hazardous Air Pollutants: Rubber Tire Manufacturing.
- 302.82** **Subpart YYYYY**—National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines.
- 302.83** **Subpart ZZZZ**—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.
- 302.84** **Subpart AAAAA**—National Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants.
- 302.85** **Subpart BBBB**—National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing.
- 302.86** **Subpart CCCCC**—National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks.
- 302.87** **Subpart DDDDD**—National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters.
- 302.88** **Subpart EEEEE**—National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries.
- 302.89** **Subpart FFFFF**—National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities.
- 302.90** **Subpart GGGGG**—National Emission Standards for Hazardous Air Pollutants: Site Remediation.
- 302.91** **Subpart HHHHH**—National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing.
- 306.92** **Subpart IIIII**—National Emission Standards for Hazardous Air Pollutants: Mercury Emissions from Mercury Cell Chlor-Alkali Plants.
- 302.93** **Subpart JJJJJ**—National Emission Standards for Hazardous Air Pollutants for Brick and Structural Clay Products Manufacturing.

- 302.94 Subpart KKKKK**—National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing.
- 302.95 Subpart LLLLL**—National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing.
- 302.96 Subpart MMMMM**—National Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Fabrication Operations.
- 302.97 Subpart NNNNN**—National Emission Standards for Hazardous Air Pollutants: Hydrochloric Acid Production.
- 302.98 Subpart PPPPP**—National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Standards.
- 302.99 Subpart QQQQQ**—National Emission Standards for Hazardous Air Pollutants for Friction Materials Manufacturing Facilities.
- 302.100 Subpart RRRRR**—National Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing.
- 302.101 Subpart SSSSS**—National Emission Standards for Hazardous Air Pollutants for Refractory Products Manufacturing.
- 302.102 Subpart TTTTT**—National Emission Standards for Hazardous Air Pollutants for Primary Magnesium Refining.
- 302.103 Subpart WWWW**—National Emission Standards for Hospital Ethylene Oxide Sterilizers.
- 302.104 Subpart YYYYY**—National Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking Facilities.
- 302.105 Subpart ZZZZZ**—National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources.
- 302.106 Subpart BBBBB**—National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities.
- 302.107 Subpart CCCCC**—National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities.
- 302.108 Subpart DDDDD**—National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production Area Sources.
- 302.109 Subpart EEEEE**—National Emission Standards for Hazardous Air Pollutants: Primary Copper Smelting Area Sources.
- 302.110 Subpart FFFFF**—National Emission Standards for Hazardous Air Pollutants: Secondary Copper Smelting Area Sources.
- 302.111 Subpart GGGGG**—National Emission Standards for Hazardous Air Pollutants for Primary Nonferrous Metals Area Sources--Zinc, Cadmium, and Beryllium.
- 302.112 Subpart HHHHH**—National Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources.
- 302.113 Subpart JJJJJ**—National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers.
- ~~**302.113-302.114 Subpart LLLLL**~~—National Emission Standards for Hazardous Air Pollutants for Acrylic and Modacrylic Fibers Production Area Sources.
- ~~**302.114-302.115 Subpart MMMMM**~~—National Emission Standards for Hazardous Air Pollutants for Carbon Black Production Area Sources.
- ~~**302.115-302.116 Subpart NNNNN**~~—National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources: Chromium Compounds.
- ~~**302.116-302.117 Subpart OOOOO**~~—National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production and Fabrication Area Sources.
- ~~**302.117-302.118 Subpart PPPPP**~~—National Emission Standards for Hazardous Air Pollutants for Lead Acid Battery Manufacturing Area.
- ~~**302.118-302.119 Subpart QQQQQ**~~—National Emission Standards for Hazardous Air Pollutants for Wood Preserving Area Sources.
- ~~**302.119-302.120 Subpart RRRRR**~~—National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing Area Sources.
- ~~**302.120-302.121 Subpart SSSSS**~~—National Emission Standards for Hazardous Air Pollutants for Glass Manufacturing Area Sources.
- ~~**302.121-302.122 Subpart TTTTT**~~—National Emission Standards for Hazardous Air Pollutants for Secondary Nonferrous Metals Processing Area Sources.

- ~~302.122~~ 302.123 **Subpart VVVVVV**—National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources
- ~~302.123~~ 302.124 **Subpart WWWWWW**—National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Plating and Polishing Operations.
- ~~302.124~~ 302.125 **Subpart XXXXXX**—National Emission Standards for Hazardous Air Pollutants Area Source Standards for Nine Metal Fabrication and Finishing Source Categories.
- ~~302.125~~ 302.126 **Subpart YYYYYY**—National Emission Standards for Hazardous Air Pollutants for Area Sources: Ferroalloys Production Facilities.
- ~~302.126~~ 302.127 **Subpart ZZZZZZ**—National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries.
- ~~302.127~~ 302.128 **Subpart AAAAAA**—National Emission Standards for Hazardous Air Pollutants for Area Sources: Asphalt Processing and Asphalt Roofing.
- ~~302.128~~ 302.129 **Subpart BBBBBB**—National Emission Standards for Hazardous Air Pollutants for Area Sources: Chemical Preparations Industry.
- ~~302.129~~ 302.130 **Subpart CCCCCC**—National Emission Standards for Hazardous Air Pollutants for Area Sources: Paints and Allied Products Manufacturing.
- ~~302.130~~ 302.131 **Subpart DDDDDD**—National Emission Standards for Hazardous Air Pollutants for Area Sources: Prepared Feeds Manufacturing.
- 302.132 **Subpart EEEEEEE**—National Emission Standards for Hazardous Air Pollutants: Gold Mine Ore Processing and Production Area Source Category.

303 ADDITIONAL REQUIREMENTS:

- 303.1** From the general standards identified in Section 301 of this rule, delete 40 CFR 61.04. All requests, reports, applications, submittals, and other communications to the Control Officer pursuant to this rule shall be submitted to the Maricopa County Air Quality Department, 1001 N. Central Ave., Phoenix, AZ, 85004.
- 303.2** Where the Act has established provisions, including specific schedules, for the regulation of source categories pursuant to Sections 112(e)(5) and 112(n) of the Act, the Control Officer may enforce those provisions.
- 303.3** For any category or subcategory of sources licensed by the U.S. Nuclear Regulatory Commission, the Board of Supervisors shall not adopt and the Control Officer shall not enforce any standard or limitation respecting emissions of radionuclides which is more stringent than the standard or limitation adopted by the Administrator pursuant to Section 112 of the Act.
- 303.4** If the Administrator finds by rule that regulation is not appropriate or necessary or that alternative control strategies should be applied, the Control Officer shall administer and enforce this rule based on the Administrator's findings.

SECTION 400 – ADMINISTRATIVE REQUIREMENTS

- 401 CONTROL TECHNOLOGY DETERMINATIONS FOR MAJOR SOURCES IN ACCORDANCE WITH CLEAN AIR ACT SECTIONS, SECTIONS 112(g) AND 112(j):** 40 CFR 63.40 through 40 CFR 63.44 and 40 CFR 63.50 through 40 CFR 63.56 are adopted by reference.
- 402 COMPLIANCE EXTENSIONS FOR EARLY REDUCTION OF FEDERALLY LISTED HAZARDOUS AIR POLLUTANTS:** 40 CFR 63.70 through 40 CFR 63.81 and Table 370.1 are adopted by reference.

SECTION 500 – MONITORING AND RECORDS (NOT APPLICABLE)

TABLE 370-1. FEDERAL LIST OF HAZARDOUS AIR POLLUTANTS

A. All of the following are federally listed hazardous air pollutants:

<u>CAS No.</u>	<u>Chemical Name</u>	<u>CAS No.</u>	<u>Chemical Name</u>
75-07-0	Acetaldehyde	79-10-7	Acrylic acid
60-35-5	Acetamide	107-13-1	Acrylonitrile
75-05-8	Acetonitrile	107-05-1	Allyl chloride
98-86-2	Acetophenone	92-67-1	4-Aminobiphenyl
53-96-3	2-Acetylaminofluorene	62-53-3	Aniline
107-02-8	Acrolein	90-04-0	o-Anisidine
79-06-1	Acrylamide	1332-21-4	Asbestos

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<u>CAS No.</u>	<u>Chemical Name</u>	<u>CAS No.</u>	<u>Chemical Name</u>
71-43-2	Benzene (including benzene from gasoline)	121-14-2	2,4-Dinitrotoluene
92-87-5	Benzidine	123-91-1	1,4-Dioxane (1,4-Diethyleneoxide)
98-07-7	Benzotrichloride	122-66-7	1,2-Diphenylhydrazine
100-44-7	Benzyl chloride	106-89-8	Epichlorohydrin (1-Chloro-2,3-epoxypropane)
92-52-4	Biphenyl		
117-81-7	Bis(2-ethylhexyl)phthalate (DEHP)	106-88-7	1,2-Epoxybutane
542-88-1	Bis(chloromethyl)ether	140-88-5	Ethyl acrylate
75-25-2	Bromoform	100-41-4	Ethyl benzene
106-99-0	1,3-Butadiene	51-79-6	Ethyl carbamate (Urethane)
156-62-7	Calcium cyanamide	75-00-3	Ethyl chloride (Chloroethane)
133-06-2	Captan	106-93-4	Ethylene dibromide (Dibromoethane)
63-25-2	Carbaryl	107-06-2	Ethylene dichloride (1,2-Dichloroethane)
75-15-0	Carbon disulfide	107-21-1	Ethylene glycol
56-23-5	Carbon tetrachloride	151-56-4	Ethylene imine (Aziridine)
463-58-1	Carbonyl sulfide	75-21-8	Ethylene oxide
120-80-9	Catechol	96-45-7	Ethylene thiourea
133-90-4	Chloramben	75-34-3	Ethylidene dichloride (1,1-Dichloroethane)
57-74-9	Chlordane	50-00-0	Formaldehyde
7782-50-5	Chlorine	76-44-8	Heptachlor
79-11-8	Chloroacetic acid	118-74-1	Hexachlorobenzene
532-27-4	2-Chloroacetophenone	87-68-3	Hexachlorobutadiene
108-90-7	Chlorobenzene	77-47-4	Hexachlorocyclopentadiene
510-15-6	Chlorobenzilate	67-72-1	Hexachloroethane
67-66-3	Chloroform	822-06-0	Hexamethylene-1,6-diisocyanate
107-30-2	Chloromethyl methyl ether	680-31-9	Hexamethylphosphoramide
126-99-8	Chloroprene	110-54-3	Hexane
1319-77-3	Cresols/Cresylic acid (isomers and mixture)	302-01-2	Hydrazine
95-48-7	o-Cresol	7647-01-0	Hydrochloric acid
108-39-4	m-Cresol	7664-39-3	Hydrogen fluoride (Hydrofluoric acid)
106-44-5	p-Cresol	123-31-9	Hydroquinone
98-82-8	Cumene	78-59-1	Isophorone
94-75-7	2,4-D, salts and esters	58-89-9	Lindane (all isomers)
3547-04-4	DDE	108-31-6	Maleic anhydride
334-88-3	Diazomethane	67-56-1	Methanol
132-64-9	Dibenzofurans	72-43-5	Methoxychlor
96-12-8	1,2-Dibromo-3-chloropropane	74-83-9	Methyl bromide (Bromomethane)
84-74-2	Dibutylphthalate	74-87-3	Methyl chloride (Chloromethane)
106-46-7	1,4-Dichlorobenzene(p)	71-55-6	Methyl chloroform (1,1,1-Trichloroethane)
91-94-1	3,3'-Dichlorobenzidine	60-34-4	Methyl hydrazine
111-44-4	Dichloroethyl ether (Bis(2-chloroethyl)ether)	74-88-4	Methyl iodide (Iodomethane)
542-75-6	1,3-Dichloropropene	108-10-1	Methyl isobutyl ketone (Hexone)
62-73-7	Dichlorvos	624-83-9	Methyl isocyanate
111-42-2	Diethanolamine	80-62-6	Methyl methacrylate
121-69-7	N,N-Diethyl aniline (N,N-Dimethylaniline)	1634-04-4	Methyl tert butyl ether
64-67-5	Diethyl sulfate	101-14-4	4,4-Methylene bis (2-chloroaniline)
119-90-4	3,3-Dimethoxybenzidine	75-09-2	Methylene chloride (Dichloromethane)
60-11-7	Dimethyl aminoazobenzene	101-68-8	Methylene diphenyl diisocyanate (MDI)
119-93-7	3,3-Dimethyl benzidine	101-77-9	4,4'-Methylenedianiline
79-44-7	Dimethyl carbamoyl chloride	91-20-3	Naphthalene
68-12-2	Dimethyl formamide	98-95-3	Nitrobenzene
57-14-7	1,1-Dimethyl hydrazine	92-93-3	4-Nitrobiphenyl
131-11-3	Dimethyl phthalate	100-02-7	4-Nitrophenol
77-78-1	Dimethyl sulfate	79-46-9	2-Nitropropane
534-52-1	4,6-Dinitro-o-cresol, and salts	684-93-5	N-Nitroso-N-methylurea
51-28-5	2,4-Dinitrophenol	62-75-9	N-Nitrosodimethylamine
		59-89-2	N-Nitrosomorpholine

<u>CAS No.</u>	<u>Chemical Name</u>	<u>CAS No.</u>	<u>Chemical Name</u>
56-38-2	Parathion	79-01-6	Trichloroethylene
82-68-8	Pentachloronitrobenzene (Quintobenzene)	95-95-4	2,4,5-Trichlorophenol
87-86-5	Pentachlorophenol	88-06-2	2,4,6-Trichlorophenol
108-95-2	Phenol	121-44-8	Triethylamine
106-50-3	p-Phenylenediamine	1582-09-8	Trifluralin
75-44-5	Phosgene	540-84-1	2,2,4-Trimethylpentane
7803-51-2	Phosphine	108-05-4	Vinyl acetate
7723-14-0	Phosphorus	593-60-2	Vinyl bromide
85-44-9	Phthalic anhydride	75-01-4	Vinyl chloride
1336-36-3	Polychlorinated biphenyls (Aroclors)	75-35-4	Vinylidene chloride (1,1-Dichloroethylene)
1120-71-4	1,3-Propane sultone	1330-20-7	Xylenes (isomers and mixture)
57-57-8	beta-Propiolactone	95-47-6	o-Xylenes
123-38-6	Propionaldehyde	108-38-3	m-Xylenes
114-26-1	Propoxur (Baygon)	106-42-3	p-Xylenes
78-87-5	Propylene dichloride (1,2-Dichloropropane)	0	Antimony Compounds
75-56-9	Propylene oxide	0	Arsenic Compounds inorganic including arsine)
75-55-8	1,2-Propylenimine (2-Methylaziridine)	0	Beryllium Compounds
91-22-5	Quinoline	0	Cadmium Compounds
106-51-4	Quinone	0	Chromium Compounds
100-42-5	Styrene	0	Cobalt Compounds
96-09-3	Styrene oxide	0	Coke Oven Emissions
1746-01-6	2,3,7,8-Tetrachlorodibenzo-p-dioxin	0	Cyanide Compounds ^[1]
79-34-5	1,1,2,2-Tetrachloroethane	0	Glycol ethers ^[2]
127-18-4	Tetrachloroethylene (Perchloroethylene)	0	Lead Compounds
7550-45-0	Titanium tetrachloride	0	Manganese Compounds
108-88-3	Toluene	0	Mercury Compounds
95-80-7	2,4-Toluene diamine	0	Fine mineral fibers ^[3]
584-84-9	2,4-Toluene diisocyanate	0	Nickel Compounds
95-53-4	o-Toluidine	0	Polycyclic Organic Matter ^[4]
8001-35-2	Toxaphene (chlorinated camphene)	0	Radionuclides (including radon) ^[5]
120-82-1	1,2,4-Trichlorobenzene	0	Selenium Compounds
79-00-5	1,1,2-Trichloroethane	0	

B. The following applies for all listings above which contain the word "compounds" or are glycol ethers: unless otherwise specified, these listings are defined as including any unique chemical substance that contains the named chemical (i.e., antimony, arsenic, etc.) as part of that chemical's infrastructure.

[1] X'CN where X = H' or any other group where a formal dissociation may occur (e.g. KCN or Ca(CN)2).

[2] a. Includes mono- and di- ethers of ethylene glycol, diethylene glycol, and triethylene glycol R-(OCH₂CH₂)_n-OR' where:

n = 1, 2, or 3;

R = alkyl C7 or less; or

R = phenyl or alkyl substituted phenyl;

R' = H or alkyl C7 or less; or

OR' consisting of carboxylic acid ester, sulfate, phosphate, nitrate, or sulfonate.

b. Glycol ethers do not include ethylene glycol monobutyl ether (EGBE, 2-Butoxyethanol) (CAS No. 111-76-2).

[3] Includes mineral fiber emissions from facilities manufacturing or processing glass, rock, or slag fibers (or other mineral derived fibers) of average diameter one micrometer or less.

[4] Includes organic compounds which have more than one benzene ring and which have a boiling point greater than or equal to 212 °F (100 °C).

[5] A type of atom which spontaneously undergoes radioactive decay.

REGULATION III – CONTROL OF AIR CONTAMINANTS

RULE 371 ACID RAIN

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SECTION 400 – ADMINISTRATIVE REQUIREMENTS (NOT APPLICABLE)

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Adopted 02/15/95
Revised 04/03/96
Revised 03/01/00
Revised 03/07/01
Revised 11/19/03
Revised 03/15/06
Revised 12/17/08
Revised 09/16/09
Revised 07/07/10
Revised 08/17/11
Revised 07/25/12

MARICOPA COUNTY}
AIR POLLUTION CONTROL REGULATIONS

REGULATION III – CONTROL OF AIR CONTAMINANTS

RULE 371
ACID RAIN

SECTION 100 – GENERAL

- 101 PURPOSE:** To incorporate by reference the Acid Rain federal regulations in order to obtain delegated authority to enforce portions of the Clean Air Act Amendments of 1990 (CAAA).
- 102 APPLICABILITY:** This rule applies to those affected units as described in 40 Code of Federal Regulations (CFR) 72.6 which has been adopted by reference and no future additions or amendments. Any such stationary source must also comply with other Maricopa County Air Pollution Control Regulations.
- 103 SEVERABILITY:** If the provisions or requirements of the regulations incorporated pursuant to this rule conflict with any of the remaining portions of these rules, the regulations incorporated pursuant to this rule shall apply and shall take precedence.
- 104 AVAILABILITY OF INFORMATION:** Copies of 40 CFR Part 72 (Permits Regulation), 40 CFR Part 74 (Sulfur Dioxide Opt-Ins), 40 CFR Part 75 (Continuous Emission Monitoring), and 40 CFR 76 (Acid Rain Nitrogen Oxides Emission Reduction Program) and all accompanying appendices currently enforced by the department are available electronically at: ecfr.gpoaccess.gov; at the Maricopa County Air Quality Department, 1001 N. Central Ave., Phoenix, AZ, 85004; or by calling (602) 506-0169 for information. ASTM standards are available from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428, or from its website at www.astm.org.
- 105 FEDERAL DELEGATION AUTHORITY:** The department shall enforce the Federal Acid Rain Regulations which have been delegated to the County by the United States Environmental Protection Agency (EPA) for such enforcement. The department may, in addition, enforce such other Acid Rain Rules as delegated for such enforcement by the EPA to the County.

SECTION 200 – DEFINITIONS: See Rule 100 (General Provisions and Definitions) of these rules for definitions of terms that are used but not specifically defined in this rule.

SECTION 300 – STANDARDS

301 INCORPORATED SUBPARTS OF THE FEDERAL ACID RAIN REGULATIONS: 40 CFR Parts 72, 74, 75 and 76 and all accompanying appendices, adopted as of July 1, ~~2010~~2011, (and no future additions or amendments) are incorporated by reference as applicable requirements.

302 FEDERAL REGULATORY REVISIONS: The Maricopa County Board of Supervisors shall take action following promulgation by the Environmental Protection Agency (EPA) of regulations implementing Section 407 and Section 410 of the Clean Air Act (CAA), or revising either Part 72, 74, 75, and/or 76 of the regulations implementing Section 407 or Section 410 of the CAA, to either incorporate such new or revised provisions by reference or to submit, for the EPA approval, the Maricopa County Air Pollution Control Regulations implementing these provisions.

SECTION 400 – ADMINISTRATIVE REQUIREMENTS (NOT APPLICABLE)

SECTION 500 – MONITORING AND RECORDS (NOT APPLICABLE)

Adopted 03/15/06
Revised 12/17/08
Revised 09/16/09
Revised 07/07/10
Revised 08/17/11
Revised 07/25/12

**MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS**

**APPENDIX G
INCORPORATED MATERIALS**

1. The following test methods, protocols, federal interpretations, guidelines, and appendices located in Title 40, Code of Federal Regulations (CFR) are approved for use as directed by the department under the Maricopa County Air Pollution Control Regulations. These standards are incorporated by reference as of July 1, ~~2010~~2011, and no future editions or amendments.
 - a. 40 CFR 50;
 - b. 40 CFR 50, Appendices A-1, A-2, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, and T;
 - c. 40 CFR 51, Appendix M; Appendix S, Section IV; and Appendix W;
 - d. 40 CFR 52, Appendices D and E;
 - e. 40 CFR 53;
 - f. 40 CFR 58;
 - g. 40 CFR 58, Appendices A, C, D, E, and G;
 - h. 40 CFR 60, Appendices A-1, A-2, A-3, A-4, A-5, A-6, A-7, A-8, B, C, D, F, G, and I;
 - i. 40 CFR 61, Appendices A, B, C, D, and E;
 - j. 40 CFR 63, all appendices; and
 - k. 40 CFR 75, Appendices A, B, C, D, E, F, ~~and G, and K.~~
2. The following documents are incorporated by reference and are approved for use as directed by the department under the Maricopa County Air Pollution Control Regulations. These documents are incorporated by reference as of the year specified below, and no future editions or amendments.
 - a. The Arizona Department of Environmental Quality's (ADEQ) "Arizona Testing Manual for Air Pollutant Emissions," amended as of March 1992, and no future editions or amendments.
 - b. All ASTM International (ASTM) standards referenced in the Maricopa County Air Pollution Control Regulations as of the year specified in the reference, and no future editions or amendments.
 - c. The U.S. Government Printing Office's "Standard Industrial Classification Manual, 1987", published by the Executive Office of the President, Office of Management and Budget, and no future editions or amendments.
 - d. EPA Publication No. AP-42, 1995, "Compilation of Air Pollutant Emission Factors," Volume I: Stationary Point and Area Sources, Fifth Edition, including Supplements A, B, C, D, E, F, Updates 2001, 2002, 2003, and 2004 and all updates as of July 1, ~~2010~~2011, and no future editions or amendments.
 - e. EPA guidance document "Guidelines for Determining Capture Efficiency", January 9, 1995, and no future editions or amendments.

- f. 2002 US NAICS Manual, "North American Industry Classification System United States", National Technical Information Service, US Census Bureau, 2002, and no future editions or amendments.
3. The following federal regulations located in Title 40, Code of Federal Regulations (CFR) are approved for use as directed by the department under the Maricopa County Air Pollution Control Regulations. These standards are incorporated by reference as of July 1, ~~2010~~2011, and no future editions or amendments.
- a. The Consolidated Emissions Reporting Rule in 40 CFR 51, Subpart A, Appendix A, Table 2A.
- b. 40 CFR 75.

Availability of Information: Copies of these incorporated materials are available electronically at: ecfr.gpoaccess.gov; at the Maricopa County Air Quality Department, 1001 N. Central Ave., Phoenix, AZ, 85004; or by calling (602) 506-0169 for information. ASTM standards are available from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428, or from its website at www.astm.org.

NOTICE OF FINAL RULEMAKING

MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS

REGULATION III – CONTROL OF AIR CONTAMINANTS

RULE 358 – POLYSTYRENE FOAM OPERATIONS

[M12-254]

PREAMBLE

- | | |
|---------------------------------------|---------------------------------|
| <u>1. Rule affected</u> | <u>Rulemaking action</u> |
| Rule 358: Polystyrene Foam Operations | Amend |
- 2. Statutory authority for the rulemaking:**
Authorizing statutes: A.R.S. §§ 49-474, 49-479, and 49-480
Implementing statute: A.R.S. § 49-112
- 3. Effective date of the rule:**
Date of adoption: July 25, 2012
- 4. List of all previous notices appearing in the Register addressing the rulemaking:**
Notice of Rulemaking Docket Opening: 18 A.A.R. 511, February 10, 2012
Notice of Proposed Rulemaking: 18 A.A.R. 670, March 16, 2012
- 5. Name and address of department personnel with whom persons may communicate regarding the rulemaking:**
- | | |
|------------|---|
| Name: | Tom Ekren
Maricopa County Air Quality Department
Planning and Analysis Division |
| Address: | 1001 N. Central Ave., Suite 125
Phoenix, AZ 85004 |
| Telephone: | (602) 506-0169 |
| Fax: | (602) 506-6179 |
| E-mail: | aqplanning@mail.maricopa.gov |
- 6. Explanation of the rule, including the department's reasons for initiating the rulemaking:**
Maricopa County Air Quality Department (department) revised Rule 358 (Polystyrene Foam Operations) to address requirements of performance test frequency. The department regulates volatile organic compound (VOC) emissions from polystyrene foam operations through Rule 358. Rule 358 was originally adopted on April 20, 2005 to address Section 182(a)(2)(A) of the Clean Air Act and develop Reasonably Available Control Technology. Prior to amending Rule 358 on July 25, 2012, sources were required to test their Emission Control Systems (ECS) on an annual basis.

The department received two rulemaking petitions to reconsider the annual performance testing requirements. The petitioners believed there was a sufficient compliance and performance test history to demonstrate the necessity of conducting a performance test only once every five years. During the original rulemaking process, necessary because the expandable polystyrene (EPS) industry did not have a Control Techniques Guideline, standard AP-42 emissions factors, or a track-record of comparable performance-test results.

Since the adoption of Rule 358 on April 20, 2005, there is sufficient compliance and performance test history to demonstrate the necessity of conducting a performance test only one every five years to determine compliance with Rule 358. Of the three EPS permits currently in operation in Maricopa County, there have been two failed EPS performance tests, and no EPS facility has failed to demonstrate compliance with Rule 358 since 2008. VOC emissions and EPS facility operations are better understood today than in 2005 when Rule 358 was adopted.

As a result of department review of compliance and performance test history, the department revised Rule 358 to modify the performance testing frequency from annually to once every five years and update performance test methods.

In addition, the department made grammatical changes and syntax modifications, e.g., standardized Operation and Maintenance (O&M) plan language, removed obsolete compliance schedule requirements, and improved standardization within and among rules.

Issues Raised and Discussed During This Rulemaking Process:

The department received a comment during the Notice of Proposed Rulemaking comment period for clarification of test method applicability within the rule. The commenter stated Sections 503.5 and 503.6 of the draft rule reference the use of EPA Method 25 and its submethods yet no Method 25 submethod was referenced in Section 504.1 of the draft rule. The commenter requested that additional Method 25 submethods to be included in Section 504.1, specifically Method 25A. The department considered the issued and clarified the use of Method25A in section 504.1

Description of Proposed Amendments:

Section 200 – Definitions:

The amendment updated and standardized terminology to be consistent with other department rules.

Section 301 – Standards

The amendment removed obsolete compliance standards and standardized the time frequency of Specialty Products Alternative Operation Scenario.

Section 305 – Performance of ECS Controlling VOC Emissions:

The amendment removed O&M plan requirements, which will be added to Section 306.

Section 306 – Air Pollution Control Equipment and Approved Emission Control System (ECS)

The amendment standardized, clarified, and consolidated O&M plan requirements into a single location.

Section 400 – Administrative Requirements:

The amendment removed obsolete compliance standards.

Section 503 – Test Procedures:

The amendment changed the performance test frequency to once every five years and clarified performance test requirements.

Section 504 – Compliance Determination – Test Methods:

The amendment updated and standardized compliance determination language.

7. Demonstration of compliance with A.R.S. § 49-112:

Under A.R.S. § 49-112, Maricopa County may adopt rules that are more stringent than or in addition to a provision of the state, provided that the rule is necessary to address a peculiar local condition; and if it is either necessary to prevent a significant threat to public health or the environment that results from a

peculiar local condition and is technically and economically feasible; or if it is required under a federal statute or regulation, or authorized pursuant to an intergovernmental agreement with the federal government to enforce federal statutes or regulations if the rule is equivalent to federal statutes or regulations; and if any fee adopted under the rule will not exceed the reasonable costs of the county to issue and administer that permit program. Maricopa County complies with A.R.S. § 49-112(A) in that Maricopa County demonstrated compliance with A.R.S. § 49-112(A) when Rule 358 was originally adopted on April 20, 2005. The current revision to Rule 358 did not create additional requirements or burdens on regulated industries.

8. Reference to any study relevant to the rule that the department reviewed and either proposes to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data under lying each study, and any analysis of each study and other supporting material:

Not applicable

9. Showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision:

Not applicable

10. Summary of the economic, small business, and consumer impact:

The department revised performance test frequency and updated test methods. In addition, the department made grammatical and syntax modifications to standardize O&M plan language and removed obsolete compliance schedule requirements. The revisions reduced costs to the EPS industry and to the department, while maintaining current VOC emissions limits. The health impact of the proposed revision is negligible as the VOC emissions will be unchanged.

The EPS industry spends a significant amount of money, time, and resources on performance tests. Performance tests on the EPS industry are some of the most time consuming and expensive throughout the air quality sector. The recession has drastically impacted the EPS industry. One EPS business stated production is down 90 percent during the recession, while another EPS business has closed. With the reliability of the EPS performance test established the overall compliance history of the EPS industry, annual testing is overly burdensome. Three companies were identified to gain relief from the burden of annual testing. The department's workload would also decrease with the reduction of reviewing, approving, and observing performance test on an annual basis.

11. Name and address of department personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact:

Name: Tom Ekren
Maricopa County Air Quality Department
Planning and Analysis Division

Address: 1001 N. Central Ave., Suite 125
Phoenix, AZ 85004

Telephone: (602) 506-0169

Fax: (602) 506-6179

E-mail: aqplanning@mail.maricopa.gov

12. Description of the changes between the proposed rule, including supplemental notices and final rule:

Since the final draft of Rule 358 was published in the Notice of Proposed Rulemaking (18 A.A.R. 670) on March 16, 2012, the following revisions to Rule 358 were made. The changes are not substantive in nature nor do the changes add additional requirements to affected facilities. The changes are for clarification and uniformity with proposed changes published in the Notice of Proposed Rulemaking. These revisions appear in the text of the final rules published in this Notice of Final Rulemaking.

Section 502.1(d)(2): Modified language to “previous 12 months” to conform with changes in Section 301.2(b), which were previously documented in the Notice of Proposed Rulemaking.

Section 504.1: Added “-7” to correctly cite 40 CFR 60, Appendix A-7.

Section 504.1(g): Added “Method 25A – Determination of Total Gaseous Nonmethane Organic Concentration Using a Flame Ionization Analyzer” to clarify the usage of Method 25A as stated in Sections 503.5 and 503.6.

13. Summary of the comments made regarding the rule and the department response to them:

COMMENT #1: re Test Methods: One commenter stated Method 25A should be added to Section 504.1 for clarification. Section 503.6 of draft Rule 358 allows the use of Method 25 and its submethods to determine the control efficiency of the VOC control device, yet no submethods of Method 25 are specifically included in Section 504.

RESPONSE #1: The department agreed with the commenter. Section 503.6 of draft Rule 358 allows the use of Method 25 and its submethods. Language was added to Section 504 to clarify the incorporation by reference of Method 25A.

14. Any other matters prescribed by the statute that are applicable to the specific department or to any specific rule or class of rules:

Not applicable

15. Incorporations by reference and their location in the rule:

Bay Area Air Quality Management District, BAAQMD Method 45	Section 504.5
South Coast Air Quality Management, AQMD Method 306-91, 1993 revision	Section 504.6
EPA Test Method 204 a, b, c, d, e and f 40 CFR 60, Appendix M	Section 504.2
ASTM International ASTM Method C303-10	Section 504.4
EPA Test Method 2, 2A, 2C, 2D, 18, 25, 25A 40 CFR 60, Appendix A-7	Section 504.1

16. Was this rule previously an emergency rule?

No

17. Full text of the rule follows:

REGULATION III – CONTROL OF AIR CONTAMINANTS

RULE 358

POLYSTYRENE FOAM OPERATIONS

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Adopted 04/20/05
Revised 07/25/12

**MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS
REGULATION III – CONTROL OF AIR CONTAMINANTS
RULE 358
POLYSTYRENE FOAM OPERATIONS**

SECTION 100 – GENERAL

- 101 PURPOSE:** The purpose of this rule is to limit the emissions of volatile organic compounds (VOCs) from the manufacturing of expanded-polystyrene products.
- 102 APPLICABILITY:** This rule applies to any facility that expands, ages, or molds expandable polystyrene (EPS).

~~**SECTION 200 – DEFINITIONS:** See Rule 100 (General Provisions And Definitions) of these rules for definitions of terms that are used but not specifically defined in this rule. For the purpose of this rule, the following definitions shall apply:~~

SECTION 200 – DEFINITIONS: For the purpose of this rule, the following definitions apply, in addition to those definitions found in Rule 100 (General Provisions and Definitions) of these rules. In the event of any inconsistency between any of the Maricopa County Air Pollution Control Rules, the definitions in this rule take precedence.

- 201 BEAD-LOT AND BEAD-LOT IDENTIFIER** – A specific selection of a specific quantity of expandable polystyrene material, all portions of which typically share similar properties. This selected material has been tested in accordance with standard quality-control procedures and is traceable to the time and date on which it was packaged. Traceability is enabled by a bead lot identifier or lot number, which is a unique numeric (or alphanumeric) string that is permanently coupled with the selected material. The lot number always appears on one or more formal transfer/receipt documents retained by both the seller and the buyer and identifies the material's plant of manufacture, as well as the date that it was packaged.
- 202 BLOCK (EPS FOAM BLOCK)** – A block-shaped solid made of EPS foam that was molded as a unit. Typically, a block's depth and width each exceed 23 inches (0.6 m) and a length exceeding 95 inches (2.4 m).
- 203 BLOWING AGENT** – Any substance that, alone or in conjunction with other substances, is capable of producing a cellular (foam) structure in a polymeric material by inflation.
- 204 CUP MOLDING** – The process of making cups, bowls, and similar containers by molding expanded polystyrene globules (prepuff).
- 205 DAY** – Any 24-hour period beginning at 12:00 am–midnight.
- 206 EMISSION CONTROL SYSTEM (ECS)** – A system for reducing emissions of volatile organic compounds, consisting of a capture system (e.g., enclosures, hoods, and ductwork) and control device(s). An ECS may also include gas conditioning equipment such as condensers or prefilters.

- 207 EPS BEADS (EXPANDABLE POLYSTYRENE BEADS)** – Polystyrene beads, particles, or granules, usually less than one-twelfth inch in diameter, that are formulated with a blowing agent (typically 3.5% to 7% of bead weight). When subjected to prescribed heating in an expansion system, the beads puff up, expanding many times their original volume into low density foam globules (called “prepuff” or “puff”) from which a variety of EPS foam products are molded.
- 208 EPS FOAM (EXPANDED POLYSTYRENE FOAM)** – A lightweight, naturally white, foam material, made of polystyrene, from which a variety of common items are made, such as ice-chests, insulation board, protective packaging, and single-use cups.
- 209 LOOSE FILL** – Small, expanded polystyrene forms produced in a variety of shapes that are used as packing material or as stuffing in furnishings. These foam products typically have a density below 6/10 of a pound per cubic foot (pcf).
- 210 NON-PRECURSOR ORGANIC COMPOUND** – Any of the organic compounds that have been designated by the EPA as “exempt” (having negligible photochemical reactivity). A listing of the compounds is found in Rule 100 of these rules and regulations.
- 211 POLYSTYRENE** – Any grade, class, or type of thermoplastic polymer, alloy, or blend that is composed of at least 80% polymerized styrene by weight.
- 212 PREPUFF OR PUFF** – Expanded polystyrene globules, prior to molding, formed from EPS beads/granules that have been processed in an expander. No grind/regrind material (i.e., expanded EPS that has been through a grinder) or material within a grinding system is considered to be prepuff.
- 213 SHAPE** – An object made out of EPS that has been molded into a shape other than that of a block, cup, or bowl.
- 214 SPECIALTY BLOCK PRODUCTS** – For the purposes of this rule, a specialty block product is an EPS block or block-derivative (e.g., board, architectural form, etc.) that meets either of the following criteria:
- 214.1** Has a density of 2.0 pounds per cubic foot or greater, as determined by ASTM Method C303; or
- 214.2** Has a density less than 0.8 pounds per cubic foot as determined by ASTM Method C303.
- 215 VOLATILE ORGANIC COMPOUND (VOC)** – Any organic compound that participates in photochemical reactions, except nonprecursor organic compounds.
- 216 VOC CONTENT OF RAW EPS** – For the purposes of this rule, there are 3 different expressions for stating the VOC content of raw EPS beads/granules. Each of these expressions must be made in terms of either the number of pounds of VOC per 100 pounds of beads or the percentage of overall weight (including the VOC weight) that the incorporated VOC constitutes. The percent value shall be expressed with a precision of no less than the nearest tenth of one percent, which is equivalent to expressing the same number value in pounds VOC per 100 lbs. beads, to the nearest tenth of a pound. The acceptable expressions are:
- 216.1 Manufacturer Certified Bead Lot (MCBL) VOC Content** – A document such as a standard Certificate of Analysis that numerically presents an EPS bead-lot’s VOC content and must contain all of the following elements:
- The VOC content printed or written on a paper document by the bead manufacturer, after the manufacturer has had the bead-lot tested to determine the lot’s percent VOC, before shipping from the manufacturer; and
 - The manufacturer’s name and the bead-lot, identified on the paper document with the appropriate bead-lot identifier; and
 - The signature of an officer of the manufacturing facility or the signature of an officer’s designee, previously designated in writing by such an officer.
- 216.2 Post-Manufacture Laboratory-Tested (PMLT) VOC-Content:** The results of a laboratory test determining the VOC content of a representative sampling of an intermediate or finished expanded polystyrene-product, or such a test of raw beads any time after their MCBL VOC content has been assigned.
- 216.3 ISO-Certified Maximum Bead-Model (IMBM) VOC-Content:** A numerical value that represents the upper limit of a particular bead-model’s VOC-content, which has been:
- Initially stipulated by the bead-model’s manufacturer in a document that gives the bead-model’s unique identifier, and
 - Subsequently certified for accuracy by the International Standards Organization (ISO).

SECTION 300 – STANDARDS:

301 BLOCK MAKERS: An owner and/or operator of an EPS block-making facility shall comply with Section 301.1 and, if applicable, Section 301.2 of this rule.

301.1 Limit the sum of both the VOC that escaped to atmosphere and the residual VOC in the resulting blocks at the time they are released from the molding machine to not more than 3.0 pounds for every 100 pounds of raw beads processed.

301.2 Specialty Products Alternative Operating Scenario: When producing specialty block-products solely from raw EPS beads that exceed a VOC-content of 5.5 percent by weight, an owner and/or operator may choose the standard in Section 301.2(a) by which to comply with this rule, but only if the requirements in Sections 301.2(b) and 301.2(c) are met.

a. Limit the sum of both the VOC that escaped to atmosphere and the residual VOC in the resulting blocks at the time they are released from the molding machine to not more than 3.9 pounds for every 100 pounds of raw beads processed (3.9 lbs/100#), and

b. Taking into account the total weight of all beads processed ~~each year~~ every 12 months; limit the portion of that weight that is processed under the 3.9 lbs/100# standard to ~~the 5 percent allowed per a 12-month rolling total, each year by Table I.~~

TABLE I
ANNUAL PERCENTAGE LIMITS FOR SPECIALTY PRODUCTS MADE UNDER
THE SECTION 301.2(a) STANDARD

Column A	Column B
Calendar Year Of Column B Limit	Maximum Percent Of All Raw Beads Processed Each Year That Are Allowed To Be Processed Under The 3.9 Lb/100# Standard For Specialty Products Only
2006	10.0
2007	9.0
2008	8.0
2009	7.0
2010	6.0
2011 and continuing	5.0

c. The proportion of annual raw-material throughput that is produced under the Section 301.2(a) standard shall be calculated and recorded according to Section 502.1(d).

302 SHAPE MAKERS: An owner and/or operator of an EPS shape-making facility shall limit the sum of the VOC that escaped to atmosphere and the residual VOC in the resulting shapes to 2.7 pounds for every 100 pounds of raw beads processed.

303 CUP MAKERS: An owner and/or operator of an EPS cup-making facility shall limit the sum of the VOC that escaped to atmosphere and the residual VOC in the resulting cups to 3.2 pounds for every 100 pounds of raw beads processed.

304 LOOSE FILL MAKERS: An owner and/or operator of a facility that makes expanded polystyrene loose fill shall limit the sum of both the VOC that escaped to atmosphere plus the residual VOC in the finished loose fill (measured right after the final curing process) to not more than 2.4 pounds for every 100 pounds of raw EPS materials processed into finished loose fill.

305 PERFORMANCE OF ECS CONTROLLING VOC EMISSIONS: If an ECS is required by this rule, comply with Sections 305.1, 305.2, and 305.3 of this rule.

305.1 The control device (abatement subsystem) of such ECS shall comply with either Section 305.1(a) or Section 305.1(b) of this rule.

a. Reduce the weight of VOC-as-carbon that enters the control device by at least 94%; or

b. Maintain an hourly average outlet concentration of VOC below 20 milligrams per dry standard cubic meter. Express mass loading of VOC as milligrams of non-methane organic carbon.

305.2 Each ECS that is operated in order to comply with this rule shall be equipped with monitoring devices capable of demonstrating that the ECS is operating in a manner that assures compliance with this rule. ~~The monitoring devices shall be installed, calibrated, maintained, and operated according to their manufacturers' instructions and the O&M Plan. Typically, such devices provide temperature, pressure, flow rate, or other indicator(s) of proper ECS function (such as a continuous temperature recorder that monitors an oxidizer's combustion chamber or a condenser's outlet duct, or a pressure recorder that monitors the integrity of a permanent total enclosure, etc.).~~

305.3 Records shall be kept according to Section 502.3 of this rule.

306

ECS OPERATION AND MAINTENANCE (O&M) PLANS:

306

AIR POLLUTION CONTROL EQUIPMENT AND APPROVED EMISSION CONTROL SYSTEM (ECS): An owner, operator, or person subject to this rule must provide, properly install and maintain in calibration, in good working order, and in operation air pollution control equipment required by this rule.

306.1 ~~An owner and/or operator shall provide, implement, and maintain an O&M Plan for each ECS required by this rule. The O&M Plan shall include the monitoring device(s) associated with the ECS.~~

306.1 **OPERATION AND MAINTENANCE (O&M) PLAN REQUIREMENTS FOR AN ECS:**

a. An owner, operator, or person subject to this rule must submit to the Control Officer for review every O&M Plan(s) for any ECS including any ECS monitoring device that is used under this rule or required under an air pollution control permit.

b. An owner, operator, or person subject to this rule must provide and maintain readily available on-site at all times (an) O&M Plan(s) for any ECS and any ECS monitoring devices that are used under this rule or an air pollution control permit.

c. An owner, operator, or person subject to this rule operating an ECS must install, maintain, and accurately calibrate monitoring devices described in the O&M Plan(s) including, but not limited to, monitoring devices that measure pressure differentials and other operating conditions necessary to determine if control devices are functioning properly.

d. An owner, operator, or person, who is required to have an O&M Plan for any ECS including any ECS monitoring devices must fully comply with all elements of an O&M Plan(s) including, but not limited to, every action, schedule, and condition identified in each O&M Plan.

e. An O&M Plan for any ECS including any ECS monitoring devices must include all of the following information:

(1) ECS equipment manufacturer,

(2) ECS equipment model,

(3) ECS equipment identification number or identifier that owner, operator, or person subject to this rule assigns to such ECS equipment when manufacturer's equipment identification number is unknown,

(4) Information required by Sections 502.3 of this rule,

(5) Procedures for collecting and recording required data and other information in a form approved by the Control Officer, which shall include data collected through the O&M Plan and through the monitoring of key system operating parameters; and,

(6) Procedures and schedules for preventive and corrective maintenance performed for the purpose of maintaining the ECS proper operating condition.

f. The owner, operator, or person subject to this rule, who receives a written notice from the Control Officer that the O&M Plan is deficient or inadequate, must make written revisions to the O&M Plan for any ECS including any ECS monitoring devices and must submit such revised O&M Plan to the Control Officer within five working days of receipt of the Control Officer's written notice, unless such time period is extended by the Control Officer, upon written request, for good cause. During the time that such owner, operator, or person subject to this rule is preparing revisions to the O&M Plan, such owner, operator, or person must still comply with all requirements of this rule.

- ~~306.2~~ The owner and/or operator shall submit to the Control Officer for approval the O&M Plan of each ECS, with its associated monitoring device(s), that is used according to Sections 301.1, 301.2, 302, 303, or 304 of this rule. Also include in such O&M Plans:
- ~~a.~~ Procedures for collecting and recording required data and other information in a form approved by the Control Officer, which shall include data collected through the O&M Plan and through the monitoring of key system operating parameters; and
 - ~~b.~~ Procedures and schedules for preventive and corrective maintenance performed for the purpose of maintaining the emission control system in proper operating condition.
- ~~306.3~~ An owner and/or operator of an EPS facility must comply with all O&M Plans that the owner and/or operator has submitted for approval but which have not yet been approved, unless notified otherwise by the Control Officer in writing.
- 307 VOC CONTAINMENT, IDENTIFICATION, AND DISPOSAL:**
- 307.1 Contain VOC-Emitting Material:**
- a. When they are not in use, store all fresh and used non-EPS VOC-containing material in closed, leak-free containers that are labeled according to Section 307.4. Such materials include but are not limited to cleaning solvents, inks, coatings, thinners, and their residues including residues on rags; and
 - b. Store raw EPS beads in closed, leak-free, labeled containers when not in use.
- 307.2** Materials addressed in Section 307.1 of this rule may be placed in an enclosure ducted solely to an ECS that is approved by the Control Officer, instead of in closed containers.
- 307.3** The owner and/or operator must implement procedures to minimize spills of VOC-containing materials described in Section 307.1(a) of this rule, during their handling and transfer to or from containers, vats, enclosed systems, waste receptacles, and other equipment, whether the material is fresh, used, or waste.
- 307.4** Identification and Labeling:
- a. Containers used for initial, intermediate, or final storage of VOC-containing materials addressed in Section 307.1 of this rule shall be clearly labeled with their contents.
 - b. Content-labeling done according to the requirements of federal hazardous waste (RCRA) or occupational safety (OSHA) statutes and codes meets the requirements in Section 307.4(a) of this rule.
- 308 EXEMPTION:**
- 308.1 Exemption From Section 301.1 Through Section 306.3:** An owner and/or operator of a facility is exempt from the requirements of Section 301.1 through Section ~~306.3~~ **306.1** of this rule, if the total VOC content of all raw EPS material processed by the facility is, in each calendar year, below 50 tons (100,000 lbs) and, in each calendar month, below 12,000 pounds.
- 308.2 Burden of Proof:** A person claiming any exemption from this rule or from a provision of this rule shall provide adequate records to verify and maintain any exemption. These may include records of raw material used, laboratory analyses, technical data sheets, and/or performance test results.

SECTION 400 – ADMINISTRATIVE REQUIREMENTS (NOT APPLICABLE)

- ~~401 COMPLIANCE SCHEDULE:~~ A person or owner/operator of a facility that is subject to Sections 301, 302, 303, or 304 of this rule shall comply with the following increments of progress:
- ~~401.1~~ By July 20, 2005, the owner and/or operator shall comply with Section 502 through Section 502.2(c) of this rule;
 - ~~401.2~~ By August 20, 2005, the owner and/or operator either must submit an application or have been issued a revised permit that addresses the installation and operation of the equipment to be used to achieve compliance with this rule; also, comply with Section 307.1 through Section 307.4 of this rule;
 - ~~401.3~~ By April 20, 2006, the owner and/or operator must complete the installation of all equipment required to meet the provisions of this rule and also comply with all O&M Plan requirements in Section 306 and Section 502.3 of this rule; and
 - ~~401.4~~ By October 20, 2006, the owner and/or operator must comply with the applicable standards in Sections 301, 302, 303, 304, and 305 of this rule.

SECTION 500 – MONITORING AND RECORDS

501 RECORDS:

- 501.1** General: Records shall be kept complete, up-to-date, and in a consistent and legible format.
- 501.2** Retention: Records required by this rule shall be retained for at least 5 years.
- 501.3** Use of Other Records: Records that are kept by an EPS facility for other agencies or purposes may be submitted to the Control Officer to meet the record requirements of this rule, provided such records contain the necessary information according to Section 502 of this rule.

502 RECORDKEEPING SPECIFICS:

- 502.1 Tracking EPS Beads:** ~~Effective July 20, 2005, a~~ A person subject to this rule shall comply with the following requirements, as applicable.
 - a.** Lot ID and VOC Content: Prior to expanding any part of a bead-lot, an owner and/or operator shall obtain and retain an original or copy of the VOC-content, as defined in Section 216 of this rule, for each separate lot-number/identifier of beads received.
 - b.** Total Expanded by Lot and Date: Each day that raw EPS material is expanded in a facility's expander, an owner and/or operator shall record the amount of each bead-lot expanded and its corresponding lot number/identifier.
 - c.** Block-Makers: Each day that blocks are made, record the approximate weight of each newly molded block, measured to the nearest 2 pounds.
 - d.** Specialty Products subject to Section 301.2(a): An EPS-block facility owner and/or operator making specialty products under Section 301.2(a) of this rule shall:
 - (1)** Maintain a log indicating when the facility is operating under the specialty-products alternative operating scenario; and
 - (2)** Each month calculate the percent of total EPS raw material used during the ~~current calendar year~~ previous 12 months that specialty products, made under Section 301.2(a) of this rule, constitute; enter the calculations and results in the log.
- 502.2 Lists of Non-EPS VOC-Containing Materials:** Non-EPS materials may include, but are not limited to, the following categories: inks, coatings, adhesives, reducers, thinners, solvents, cleaning materials, additives, spray-cans, sprayed lubricants, and any other VOC-containing materials that are not EPS.
 - a.** An owner and/or operator shall maintain a current list of non-EPS materials, containing VOC, used at the facility. A complete and ordered assemblage of the required data meets the requirements for a list.
 - b.** An owner and/or operator shall express VOC content of non-EPS material in one of the following three forms:
 - (1)** Pounds VOC per gallon (or grams VOC per liter), or
 - (2)** Fractional pounds of VOC per lb. material (or grams per kilogram), or
 - (3)** The percent VOC by weight along with the specific gravity or density (two numbers are required for each entry).
 - c.** By the end of the following month, an owner and/or operator shall record the amount and type of each non-EPS material, containing VOC that was used during each month.
- 502.3 Records of ECS Operation and Monitoring:** On a daily basis, the owner and/or operator of a facility that operates an ECS to comply with this rule shall record key system operating parameters documented in the O&M plan, such as temperature, flow rate, pressure, and/or VOC-concentration, etc.

503 TEST PROCEDURES: An owner and/or operator of an EPS facility will be in violation of this rule if the VOC emissions, measured by any of the referenced test methods specified in this Section 503 of this rule and listed in Section 504 of this rule, do not comply with the applicable standards included by Section 301 through Section 305 of this rule.

~~**503.1** Each year between June 1 and August 31, an owner and/or operator shall conduct an annual performance test on each ECS used to meet a standard in this Rule 358, using the test methods designated by Section 503.2 through Section 503.7 of this rule and incorporated by reference in Section 504 of this rule.~~

- 503.1** An owner and/or operator shall conduct a performance test on each ECS used to meet a standard in this rule at least once every five years.
- 503.2** Performance tests shall be conducted between June 1 and August 31.
- 503.3** An owner and/or operator shall conduct performance tests using the test methods designated by Section 503.4 through Section 503.9 of this rule and incorporated by reference in Section 504 of this rule.
- 503.2** **503.4** An owner and/or operator shall perform the measurement of airflow and gas flow into and out of the ECS by performing EPA Method 2, referenced in Section 504.1 of this rule.
- 503.3** **503.5** An owner and/or operator shall determine the concentration of methane and ethane emissions by performing EPA Method 18, referenced in Section ~~504.2~~ 504.1 of this rule or Method 25 (and its submethods) referenced in Section ~~504.3~~ 504.1 of this rule.
- 503.4** **503.6** An owner and/or operator shall determine the control efficiency of the VOC control device (abatement subsystem) of an ECS by performing EPA Method 25 (and its submethods), referenced in Section ~~504.3~~ 504.1 of this rule.
- 503.5** **503.7** An owner and/or operator shall determine the efficiency of a capture system according to both EPA Method 204 (and its submethods) referenced in Section ~~504.4~~ 504.2 of this rule and the EPA guidance document referenced in Section ~~504.7~~ 504.3 of this rule.
- 503.6** **503.8** An owner and/or operator shall determine the concentration of total volatile organic carbon content in polymeric materials by performing Bay Area Quality Management District (BAAQMD) Method 45 as referenced in Section 504.5 of this rule or by performing South Coast Air Quality Management District (SCAQMD) Method 306-91, 1993 revision, as referenced in Section 504.6 of this rule.
- 503.7** **503.9** **Determination of ECS Effectiveness:** ECS effectiveness shall be determined from the results of a testing protocol based on mass balance, calculated according to the following formulas:

$$\% \text{ Capture} = \frac{VOC_{ECS}}{VOC_I - VOC_P} \times 100$$

$$\% \text{ Control} = \frac{VOC_{ECS} - VOC_{St}}{VOC_{ECS}} \times 100$$

$$\% \text{ Emitted} = \frac{VOC_I + VOC_{St} - VOC_P - VOC_{ECS}}{VOC_I - VOC_P} \times 100$$

$$\% \text{ Overall (Capture + Control)} = \frac{VOC_{ECS}}{VOC_I - VOC_P} \times \frac{VOC_{ECS} - VOC_{St}}{VOC_{ECS}} \times 100$$

Where:

VOC_I = the VOC input in the form of the VOC content of a weighed mass of raw beads.

VOC_P = the VOC content of the products made from the weighed raw beads.

VOC_{ECS} = the VOC measured in the air entering the ECS.

VOC_{St} = the VOC remaining in the gas stream(s) emerging from the ECS during production.

503.8 **503.10** **Determination of Product Density:** The ASTM Method ~~C303-02~~ C303-10 referenced in Section ~~504.8~~ 504.4 of this rule shall be used to determine the density of EPS foam blocks and block-derivatives.

503.9 **503.11** **Conforming Testing to Desired Production Characteristics:** The owner and/or operator of an EPS facility must, through performance testing, demonstrate compliance with each alternative operating scenario chosen.

504 **TEST METHODS ADOPTED BY REFERENCE:** ~~The EPA test methods as they exist in the Code of Federal Regulations (CFR) on July 1, 2004, are adopted by reference. These adoptions by reference include no future editions or amendments. Copies of test methods referenced in this Section are available at the Maricopa County Environmental Services Department, 1001 North Central Avenue, Phoenix, AZ, 85004-1942. The other test methods from Bay Area Air Quality Management District and South Coast Air Quality Management District listed herein are also adopted by reference, each having paired with it a specific date that identifies the particular version/revision of the method that is adopted by reference.~~

504 **COMPLIANCE DETERMINATION – TEST METHODS:** An exceedance of the limits established in this rule determined by any of the applicable test methods constitutes a violation of

this rule. The EPA test methods, ASTM International (ASTM) standards and other documents as they exist in the Code of Federal Regulations (CFR) as listed below, are adopted and incorporated by reference in Appendix G of the Maricopa County Air Pollution Control Regulations. These documents are available at Maricopa County Air Quality Department, 1001 N. Central Ave., Phoenix, AZ 85004; or by calling (602) 506-0169 for information. ASTM standards are also available from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428, or from its website at www.astm.org. Bay Area Air Quality Management District test methods are available from Bay Area Air Quality Management District, 939 Ellis Street, San Francisco, CA 94109, or from its website at www.baaqmd.gov. South Coast Air Quality Management test methods are available from South Coast Air Quality Management, 21865 Copley Drive, Diamond Bar, CA 91765, or from its website at www.aqmd.gov.

~~**504.1** EPA Reference Method 2 (“Determination Of Stack Gas Velocity And Volumetric Flow Rate”), 2a (“Direct Measurement Of Gas Volume Through Pipes And Small Ducts”), 2e (“Determination Of Stack Gas Velocity And Volumetric Flow Rate In Small Stacks Or Ducts”), and 2d (“Measurement Of Gas Volumetric Flow Rates In Small Pipes And Ducts”), (40 C.F.R. 60, Appendix A).~~

504.1 EPA Test Methods as incorporated by reference in 40 CFR 60, Appendix A-7:

- a.** Method 2 – Determination of Stack Gas Velocity and Volumetric Flow Rate (Type S Pitot Tube)
- b.** Method 2A – Direct Measurement of Gas Volume through Pipes and Small Ducts
- c.** Method 2C – Determination of Gas Velocity and Volumetric Flow Rate in Small Stacks or Ducts (Standard Pitot Tube)
- d.** Method 2D – Measurement of Gas Volume Flow Rates in Small Pipes and Ducts
- e.** Method 18 – Measurement of Gaseous Organic Compound Emissions by Gas Chromatography
- f.** Method 25 – Determination of Total Gaseous Nonmethane Organic Emissions as Carbon
- g.** Method 25A – Determination of Total Gaseous Nonmethane Organic Concentration Using a Flame Ionization Analyzer

~~**504.2** EPA Reference Method 18 (“Measurement Of Gaseous Organic Compound Emissions By Gas Chromatography”), (40 C.F.R. 60, Appendix A).~~

504.2 EPA Test Methods as incorporated by reference in 40 CFR 51, Appendix M:

- a.** Method 204 – Criteria for and Verification of a Permanent or Temporary Total Enclosure
- b.** Method 204a – Volatile Organic Compounds Content In Liquid Input Stream
- c.** Method 204b – Volatile Organic Compounds Emissions In Captured Stream
- d.** Method 204c – Volatile Organic Compounds Emissions In Captured Stream (Dilution Technique)
- e.** Method 204d – Volatile Organic Compounds Emissions In Uncaptured Stream From Temporary Total Enclosure
- f.** Method 204e – Volatile Organic Compounds Emissions In Uncaptured Stream From Building Enclosure
- g.** Method 204f – Volatile Organic Compounds Content In Liquid Input Stream (Distillation Approach)

~~**504.3** EPA Reference Method 25 (“Determination Of Total Gaseous Nonmethane Organic Emissions As Carbon”), (40 C.F.R. 60, Appendix A).~~

~~**504.3** EPA Guidance document *Guidelines for Determining Capture Efficiency, January 9, 1995*~~

~~**504.4** EPA Reference Method 204 (“Criteria for Determining Capture Efficiency”), 204A, 204B, 204C, 204D (“Volatile Organic Compounds Emissions In Uncaptured Stream From Temporary Total Enclosure”), 204E (“Volatile Organic Compounds Emissions In Uncaptured Stream From Building Enclosure”), and 204 F (“Volatile Organic Compounds Content In Liquid Input Stream {Distillation Approach}”) (40 C.F.R. 51, Appendix M).~~

504.4 ASTM C303 – 10 Standard Test Method for Dimensions and Density of Preformed Block and Board-Type Thermal Insulation.

- ~~504.5~~ BAAQMD Method 45 ("Determination Of Butanes And Pentanes In Polymeric Materials"), (BAAQMD Manual Of Procedures, Volume III, January 19, 2000).
- ~~504.5~~ Bay Area Air Quality Management District Method 45 *Determination of Butanes and Pentanes in Polymeric Materials*, as amended May 18, 2005.
- ~~504.6~~ SCAQMD Method 306-91, February 1993 revision ("Analysis Of 6Pentanes In Expandable Styrene Polymers"), Applied Science & Technology Division Laboratory Services Branch.
- ~~504.6~~ South Coast Air Quality Management District Method 306-91 *Analysis of Pentanes in Expandable Styrene Polymers*, as Revised In February 1993.
- ~~504.7~~ EPA Guidance Document, "Guidelines For Determining Capture Efficiency", January 9, 1995.
- ~~504.8~~ American Society Of Testing Materials, ASTM Method C303-02 (Standard Test Method For Dimensions And Density Of Preformed Block And Broad Type Thermal Insulation), 2002.

NOTICE OF RULEMAKING DOCKET OPENING

MARICOPA COUNTY AIR QUALITY DEPARTMENT

[M12-255]

1. **Title and its heading:** Maricopa County Air Pollution Control Regulations
Regulation and its heading: Regulation III – Control of Air Contaminants
Rule and its heading: Rule 321, Municipal Solid Waste Landfills
Rule 360, New Source Performance Standards
Rule 370, Federal Hazardous Air Pollutant Program
Rule 371, Acid Rain
Appendix G, Incorporated Materials
2. **The subject matter of the proposed rule(s):**

The Maricopa County Air Quality Department (department) is proposing to incorporate by reference various federal regulations and documents promulgated by the U.S. Environmental Protection Agency (EPA) and published in the Federal Register, including actions related to New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), Acid Rain and other parts of Title 40 of the Code of Federal Regulations (CFR). This incorporation by reference is necessary before requesting the EPA's delegation of authority to enforce the federal rules documented in the Maricopa County Air Pollution Control Regulations Rules 321, 360, 370, 371, and Appendix G. These rules implement federal requirements according to each federal program identified or applicable source type subject to these regulations. As part of this rulemaking, the department may propose other additions, deletions, or modifications to this rule, or other rules, as necessary.
3. **A citation to all published notices relating to this proceeding:**

None published
4. **The name and address of department personnel with whom persons may communicate regarding the proposed rule(s):**

Name: Cheri Dale
Address: Maricopa County Air Quality Department
Planning and Analysis Division
1001 N. Central Ave., Suite 125
Phoenix, AZ 85004
Telephone: (602) 506-0169
Fax: (602) 506-6179
E-mail: aqplanning@mail.maricopa.gov

5. The time during which the department will accept written comments and the time and place where oral comments may be made:

To be announced in the Notice of Expedited Rulemaking

6. A timetable for department decisions or other action on the proceeding, if known:

To be announced in the Notice of Expedited Rulemaking